

CHAPTER Liq 600 ENFORCEMENT POLICY

PART Liq 601 PURPOSE AND EFFECT

Liq 601.01 Purpose. The purpose of these rules is to set forth the requirement of RSA 179:56, III, Enforcement Policy.

Source. #4645, eff 7-6-89; ss by #5043, eff 1-11-91; ss by #6391, eff 11-28-96; ss by #6669, eff 1-1-98

Liq 601.02 Effects of These Rules. Nothing contained herein shall be construed to release a natural or other person from complying with statutory law.

Source. #4645, eff 7-6-89; ss by #5043, eff 1-11-91; ss by #6391, eff 11-28-96; ss by #6669, eff 1-1-98

Liq 601.03 Definition of Terms. The following terms shall be construed as set forth below:

(a) "Administrative action" means the final disposition of any violation which results in a verbal warning, letter of warning, administrative fine, a suspension, or revocation;

(b) "Administrative fine" means any dollar amount exceeding \$100 but not over \$5,000, which is assessed by the commission for any violation of statute or administrative rule;

(c) "Investigator" means any liquor enforcement officer who is authorized under RSA 176:9 and 179:59 to enforce statutes and administrative rules;

(d) "Aggravating factor" means any condition or quality listed in Liq 206.02(c) or (e) which, when observed, applied, or discovered in association with the actions or inactions of a licensee, would make the resulting administrative actions more severe;

(e) "Chief of enforcement" means the chief of enforcement and licensing;

(f) "Commission" means the New Hampshire state liquor commission;

(g) "Enforcement policy" means the standards, procedures, actions and/or penalty taken or imposed by the commission with respect to any classification of statute or administrative rule identified in Liq 601.04 or Liq 601.05;

(h) "Good behavior" means compliance with all commission administrative fine payment deadlines and/or orders issued under Liq 206.03;

(i) "License year" means the period of time from which a license has been issued until it has expired or been renewed;

(j) "Licensee" means any natural or other person to whom a license has been granted;

(k) "Licensee record" means any written or electronic document, maintained by the commission, which lists any administrative action which has been taken against a licensee;

(l) "License" means any form of permission to sell alcoholic beverages issued by the commission or a tobacco license issued by the department of revenue administration;

(m) "Letter of warning" means any written communication from the commission which identifies any violation of statute or administrative rule and which does not impose an administrative fine or a suspension;

(n) "Mitigating factor" means any condition or quality listed in Liq 206.02(d) or (f) which would moderate in force or intensity any pending administrative action against a licensee, and which was reported in a violation;

(o) "Preponderance" means superiority in weight, quantity, power, importance or the like;

(p) "Revocation" means to void, annul by recalling, withdraw, or rescind any license issued by the commission;

(q) "Suspension" means that the license allowing sale of alcoholic beverages or tobacco, as applicable, is to be discontinued until such time as the license is re-granted;

(r) "Verbal warning" means any verbal instruction of compliance issued by an investigator to a licensee, which is

reported to the commission in writing, and which does not result in a letter of warning, fine, revocation, or a suspension issued by the commission;

(s) "Violation" means any violation of Title XIII, administrative rule, or RSA126-K which is reported to the commission by an investigator or examiner in writing, for administrative action; and

(t) "Working days" means Monday through Friday and does not include Saturdays, Sundays or state or federal holidays.

Source. #4645, eff 7-6-89; ss by #5043, eff 1-11-91; ss by #6391, eff 11-28-96; ss by #6669, eff 1-1-98

Liq 601.04 Statutory Violations Subject to Administrative Action. Administrative action shall be imposed on licensees for violation of statutes contained in RSA Title XIII or RSA 126-K.

Source. #4645, eff 7-6-89; ss by #5043, eff 1-11-91; ss by #6391, eff 11-28-96; ss by #6669, eff 1-1-98

Liq 601.05 Administrative Rules Subject to Administrative Action. Administrative action shall be imposed on licensees for violation of any of the following rules:

- (a) Part Liq 401, Advertising;
- (b) Part Liq 402, Purchasing and Supplying;
- (c) Part Liq 403, Sales;
- (d) Part Liq 404, Premises;
- (e) Part Liq 406, Liquor/Wine Tastings;
- (f) Part Liq 501, Clubs excluding Liq 501.01;
- (g) Part Liq 502, Hotels;
- (h) Part Liq 503, Restaurants;
- (i) Part Liq 505, One Day Licenses;
- (j) Part Liq 506, Wholesale Distributors, Beverage Manufacturers, Beverage Vendors, Beverage Vendor Importers, Beverage Solicitors, Brew Pubs, and other Licensees;
- (k) Part 507, Caterer's On- and Off-Site Licenses;
- (l) Part Liq 508, Agency Stores;
- (m) Part Liq 509, Golf Facility;
- (n) Part Liq 800, Importer's Warehouse Delivery Program;
- (o) Part Liq 700 Licensee Licensing; and
- (p) Liq 904.01(a)(2) or (3).

Source. #4645, eff 7-6-89; ss by #5043, eff 1-11-91; ss by #5289, eff 1-1-92; ss by #5641, eff 6-22-93; ss by #6391, eff 11-28-96; ss by #6669, eff 1-1-98

PART Liq 602 OPERATIONAL PROCEDURES

Liq 602.01 Reports by Investigators. An investigator shall report in writing to the commission all violations found pursuant to Liq 601.04 and Liq 601.05. Such reporting shall be consistent with the requirements set out in RSA 179:57.

Source. #4645, eff 7-6-89; ss by #5043, eff 1-11-91; ss by #6391, eff 11-28-96; ss by #6669, eff 1-1-98

Liq 602.02 Administrative Notice.

(a) Any licensee who is charged with committing a violation shall be issued an administrative notice on or subsequent to the date of the violation.

(b) The administrative notice shall contain the following:

- (1) Licensee's name, trade name, and address;
- (2) What violation has been committed, by description;
- (3) What violation has been committed by statute or rule number;
- (4) Date of the violation;
- (5) Time of the violation;
- (6) Commission license number;
- (7) The recommendation which will be made to the commission by the investigator; and
- (8) Notice of administrative hearing rights as authorized under RSA 179:56.

Source. #4645, eff 7-6-89; ss by #5043, eff 1-11-91; ss by #6391, eff 11-28-96; ss by #6669, eff 1-1-98

Liq 602.03 Pre-Hearing Requirements. - MOVED

Source. #4645, eff 7-6-89; ss by #5043, eff 1-11-91; ss and moved by #5180, eff 7-22-91 (See Revision Note at chapter heading for Liq 200)

Liq 602.04 Hearings. - MOVED

Source. #4645, eff 7-6-89; ss by #5043, eff 1-11-91; ss and moved by #5180, eff 7-22-91 (See Revision Note at chapter heading for Liq 200)

Liq 602.05 Witnesses. - MOVED

Source. #4645, eff 7-6-89; ss by #5043, eff 1-11-91; ss and moved by #5180, eff 7-22-91 (See Revision Note at chapter heading for Liq 200)

Liq 602.06 Evidence. - MOVED

Source. #4645, eff 7-6-89; ss by #5043, eff 1-11-91; ss and moved by #5180, eff 7-22-91 (See Revision Note at chapter heading for Liq 200)

Liq 602.07 Discovery. - MOVED

Source. #4645, eff 7-6-89; ss by #5043, eff 1-11-91; ss and moved by #5180, eff 7-22-91 (See Revision Note at chapter heading for Liq 200)

Liq 602.08 Licensee Record. - MOVED

Source. #4645, eff 7-6-89; ss by #5043, eff 1-11-91; ss and moved by #5180, eff 7-22-91 (See Revision Note at chapter heading for Liq 200)

Liq 602.09 Commission Consideration. - MOVED

Source. #4645, eff 7-6-89; ss by #5043, eff 1-11-91; ss and moved by #5180, eff 7-22-91 (See Revision Note at chapter heading for Liq 200)

PART Liq 603 ADMINISTRATIVE PENALTIES FOR LIQUOR VIOLATIONS

Liq 603.01 Commission Compliance. The commission shall issue and maintain a list of all statutes as set forth in Liq 601.04, and administrative rules as set forth in Liq 601.05, which are subject to administrative action.

Source. #4645, eff 7-6-89; ss by #5043, eff 1-11-91; ss by #6391, eff 11-28-96; ss by #6669, eff 1-1-98

Liq 603.02 Special Conditions. The commission shall regularly consider and identify new or unprecedented unlawful conditions or circumstances which exist in the state. It shall specify any unlawful conduct which it considers to be a gross deviation from public safety or the public welfare and the requirements of RSA 179:57 to provide for special penalty exceptions for specific offenses.

Source. #4645, eff 7-6-89; ss by #5043, eff 1-11-91; ss by #6391, eff 11-28-96; ss by #6669, eff 1-1-98

Liq 603.03 First Offense. For any first recorded violation of a statute or administrative rule contained in Liq 601.04 and Liq 601.05, the commission shall apply Liq 206.01 and Liq 206.02, and issue a letter of warning detailing necessary corrective actions, and/or an administrative fine and a suspension based on the licensee's record. The administrative fine shall range from \$100 to \$500, with a suspension of a minimum of 10 consecutive days and not exceeding 17 consecutive days.

Source. #4645, eff 7-6-89; ss by #5043, eff 1-11-91; ss by #5180, eff 7-22-91; amd by #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #6669, eff 1-1-98

Liq 603.04 Second Offense. For any second recorded violation of a statute or administrative rule contained in Liq 601.04 and Liq 601.05, the commission shall apply Liq 206.01 and Liq 206.02 and issue a letter of warning detailing necessary corrective actions, and/or an administrative fine and a suspension based on the licensee's record. The administrative fine shall range from \$250 to \$1,000, with a suspension of a minimum of 10 consecutive days and not exceeding 24 consecutive days.

Source. #4645, eff 7-6-89; ss by #5043, eff 1-11-91; ss by #5180, eff 7-22-91; amd by #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #6669, eff 1-1-98

Liq 603.05 Third Offense. For any third recorded violation of a statute or administrative rule contained in Liq 601.04 and Liq 601.05, the commission shall apply Liq 206.01 and Liq 206.02 and issue a letter of warning detailing necessary corrective actions, and/or an administrative fine and a suspension. The administrative fine shall range from \$500 to \$1500 with a suspension of a minimum of 10 consecutive days and not exceeding 30 consecutive days.

Source. #4645, eff 7-6-89; ss by #5043, eff 1-11-91; ss by #5180, eff 7-22-91; amd by #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #6669, eff 1-1-98

Liq 603.06 Fourth Offense. For any fourth recorded violation of a statute or administrative rule contained in Liq 601.04 and Liq 601.05, the commission shall apply Liq 206.01 and Liq 206.02 and issue either an administrative fine and a suspension of a minimum of 10 consecutive days not to exceed 40 consecutive days, or a suspension. The administrative fine shall range from \$750 to \$3,000 while any suspension without a fine shall be 40 consecutive days.

Source. #4645, eff 7-6-89; ss by #5043, eff 1-11-91; amd by #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #6669, eff 1-1-98

Liq 603.07 Fifth Offense.

(a) For any fifth recorded violation of a statute or administrative rule contained in Liq 601.04 and Liq 601.05, and for any violation beyond the fifth, the commission shall revoke any license.

- (b) The period of revocation shall be for the remainder of the license year or 180 days, whichever is greater.

Source. #4645, eff 7-6-89; ss by #5043, eff 1-11-91; amd by #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #6669, eff 1-1-98

Liq 603.08 Special Penalty Exceptions.

(a) For any violation of RSA 179:19, VII or Liq 404.01, which includes the use of a gambling machine as defined in RSA 647:2, illegal lotteries or the booking of horses, sports or other similar events, the commission shall impose the following penalties:

- (1) For the first offense license suspension for 40 consecutive days or a fine not to exceed \$1,500 and a license suspension of not less than 10 nor more than 40 consecutive days;
- (2) For the second offense license suspension for 70 consecutive days or a fine not to exceed \$2,500 and a license suspension of not less than 10 nor more than 70 consecutive days; and
- (3) For the third offense license revocation.

(b) For any violation of RSA 179:5 where death or serious bodily injury as defined by RSA 625:11, VI results, the commission shall impose the following penalties:

- (1) For the first offense license suspension for 40 consecutive days or an administrative fine which shall not exceed \$2,500 and a suspension of not less than 10 nor more than 40 consecutive days;
- (2) For the second offense license suspension for 40 to 70 consecutive days or an administrative fine which shall not exceed \$5,000 and a suspension of not less than 10 nor more than 70 consecutive days; and
- (3) For the third offense license revocation and/or an administrative fine which shall not exceed \$5,000.

(c) The penalties provided for in Liq 603.08 (a) and (b) shall be in lieu of any other penalty provided for in Liq 603.

(d) On the second violation of RSA 179:5 within a 24 month period, excluding any violations resulting from compliance checks and any violations of RSA 179:5 which occurred prior to July 7, 2002, the commission shall:

- (1) Consider the complete record of all violations at the licensed location which occurred after July 7, 2002;
- (2) Consider the record of the license holder and the management team at all current or previous licensed locations after July 7, 2002;
- (3) Consider the circumstances of the violations of RSA 179:5; and
- (4) Determine if the licensee shall be required to provide security under the requirements of RSA 178:2-a.

(e) If security for liability is required the commission shall immediately suspend the license until such time as security is provided.

(f) Security shall consist of insurance meeting the requirements of RSA 178:2-a, I (a), except:

- (1) If the licensee cannot obtain insurance, a bond in the amount of \$300,000 to cover liquor liability claims shall be accepted; or
- (2) If the licensee provides proof that the licensee cannot obtain either insurance or a bond, the commission shall accept \$300,000 in cash or marketable securities to be held by the state treasurer in an escrow account with any interest going into the general fund.

(g) The requirement for security of liquor liability shall be in effect:

- (1) So long as the license holder maintains control of the license; or
- (2) Until the commission determines the requirement is no longer necessary, but in no case less than a calendar year.

(h) Cash or marketable securities held by the state treasurer in escrow shall be returned only after the statute of limitations for claims against the required security deposit has expired.

(i) The security required in Liq 603.08 (d) shall be in addition to any penalties imposed under Liq 603.03 through 603.07.

Source. #4645, eff 7-6-89; ss by #5043, eff 1-11-91; ss by #5180, eff 7-22-91; ss by #6391, eff 11-28-96; ss by #6669, eff 1-1-98; ss by #7947, eff 9-5-03

Liq 603.09 Revocations; Payment of Fines.

(a) Revocation shall be for the remainder of the license year or for a period of 180 days, whichever period is longer.

(b) A licensee shall be eligible to re-apply for licensure once the revocation period is completed.

(c) No license shall be issued to any applicant who has not paid an outstanding administrative fine issued by the commission.

Source. #4645, eff 7-6-89; ss by #5043, eff 1-11-91; ss by #6391, eff 11-28-96; ss by #6669, eff 1-1-98

Liq 603.10 Penalties For Violating Commission Orders.

(a) Except as provided by Liq 604.01(i), the commission shall impose a \$2,000 fine and/or a 30 day suspension on any person who fails to comply with the requirements of an administrative order.

(b) Except as provided by Liq 604.01(i), a subsequent offense within a 3 year period shall result in a revocation of the license for the remainder of the license year or for a period of 180 days, whichever period is longer.

Source. #6391, eff 11-28-96; ss by #6669, eff 1-1-98

Liq 603.11 Good Behavior. The commission shall, for good behavior as specified in Liq 601.03(h), waive the last 10 days of any suspension imposed under the provisions of Liq 603.03, Liq 603.04, Liq 603.05, Liq 603.06, and Liq 603.08.

Source. #6669, eff 1-1-98

PART Liq 604 PAYMENT OF FINES; PROCEDURES FOR NON-PAYMENT OF FINES FOR LIQUOR VIOLATIONS

Liq 604.01 Notice; Delivery; and Procedures For Non-Payment of Fines.

(a) All administrative fines imposed by the commission shall be paid within 5 days of receipt of the fine order letter, days to be computed pursuant to Liq 205.07.

(b) A fine order letter shall be:

(1) Delivered to the licensee or the licensee's attorney by certified mail return receipt requested; or

(2) Hand delivered by a commission employee to any owner, partner, member, officer, attorney director or employee of the licensed entity.

(c) Proof of the date of receipt of the fine order letter by the licensee or the licensee's attorney shall be:

(1) The dated return receipt from the certified mail delivery by the United State Postal Service;

(2) A receipted copy of the fine order letter to any owner, partner, member, officer, attorney director or employee of the licensed entity; or

(3) The affidavit of the employee making in-hand service attesting to that in-hand service.

(d) The commission shall schedule a hearing pursuant to Liq 205.11 if a fine is not received as required by (a) above.

(e) Notice shall be served pursuant to Liq 205.11(c).

(f) Any party to whom notice has been served pursuant to Liq 205.11(c), who fails to appear and fails to advise the commission of non-appearance at least 3 days in advance of the hearing date shall have a decision rendered against them, which shall result in administrative action by the commission.

(g) Notwithstanding (f) above, payment of the pending fine for which the hearing is scheduled 48 hours prior to the

scheduled hearing date shall obviate the need for a hearing. The commission shall notify the parties that the hearing is canceled.

(h) Payment of the pending fine for which the hearing is scheduled after the time prescribed by (a) above shall not result in cancellation of the hearing.

(i) Notwithstanding the provisions of Liq 603.11 and Liq 206.03 the commission shall, after hearing, impose an immediate suspension of the license for non-payment of fine, based upon a violation of its order, the provisions of RSA 178:24, VII(b) and RSA 179:57.

(j) The license shall remain under suspension until such time as the pending fine is paid or 5 days, whichever is longer, unless one or more of the following criteria are met:

- (1) Death of the licensee, the licensee's spouse or child, or a partner;
- (2) Freezing of assets of the license by court order;
- (3) Sale of the business prior to the hearing date; or
- (4) An uninsured natural disaster that precludes payment by the licensee which shall include but not be limited to:
 - a. Flood;
 - b. Earthquake; or
 - c. Fire.

Source. #6391, eff 11-28-96; ss by #6669, eff 1-1-98

PART Liq 605 ADMINISTRATIVE PENALTIES AND FINE PROVISIONS FOR TOBACCO VIOLATIONS

Liq 605.01 Commission Compliance.

(a) The commission shall issue and maintain a list of all statutes and administrative rules for the sales of tobacco which are subject to administrative action.

(b) These categories shall be decreased or increased as needed to maintain the requirements of RSA 126:K.

Source. #6669, eff 1-1-98

Liq 605.02 First Offense. For any first recorded violation of RSA 126-K the commission shall apply Liq 206.01 and Liq 206.02, and issue a letter of warning detailing necessary corrective actions, and/or an administrative fine and a suspension based on the licensee's record. The administrative fine shall range from \$100 to \$250, with a suspension of a minimum of 10 consecutive days and not exceeding 17 consecutive days.

Source. #6669, eff 1-1-98

Liq 605.03 Second Offense. For any second recorded violation of RSA 126-K the commission shall apply Liq 206.01 and Liq 206.02 and issue a letter of warning detailing necessary corrective actions, and/or an administrative fine and a suspension based on the licensee's record. The administrative fine shall range from \$250 to \$500, while the suspension shall be for a minimum period of 10 consecutive days, and shall not exceed 24 days.

Source. #6669, eff 1-1-98

Liq 605.04 Third Offense. For any third recorded violation of RSA 126-K the commission shall apply Liq 206.01 and Liq 206.02 and issue a letter of warning detailing necessary corrective actions, and/or an administrative fine and a suspension. The administrative fine shall range from \$500 to \$750 while the suspension shall be a minimum of 15 consecutive days, and shall not exceed 30 consecutive days.

Source. #6669, eff 1-1-98

Liq 605.05 Fourth Offense. For any fourth recorded violation of RSA 126-K the commission shall apply Liq 206.01 and Liq 206.02 and issue an administrative fine and a suspension. The administrative fine shall be \$750 and the suspension shall be at least 40 consecutive days, no more than 10 days of which may be suspended.

Source. #6669, eff 1-1-98

Liq 605.06 Fifth Offense.

- (a) For any fifth recorded violation of RSA 126-K the commission shall order the revocation of any license.
- (b) The period of revocation shall be for the remainder of the license year or 180 days, whichever is greater.

Source. #6669, eff 1-1-98

Liq 605.07 Notice; Delivery; and Procedures For Non-Payment of Tobacco Fines.

- (a) All administrative fines imposed by the commission shall be paid within 5 days of receipt of the fine order letter, days to be computed pursuant to Liq 206.07.
- (b) A fine order letter shall be:
 - (1) Delivered to the licensee or the licensee's attorney by certified mail return receipt requested; or
 - (2) Hand delivered by a commission employee to any owner, partner, member, officer, attorney director or employee of the licensed entity.
- (c) Proof of the date of receipt of the fine order letter by the licensee or the licensee's attorney shall be:
 - (1) The dated return receipt from the certified mail delivery by the United States Postal Service;
 - (2) A receipted copy of the fine order letter to any owner, partner, member, officer, attorney director or employee of the licensed entity; or
 - (3) The affidavit of the employee making in-hand service attesting to that in-hand service.
- (d) The commission shall immediately report to the commissioner of revenue administration any fines not paid as ordered by the commission.

Source. #6669, eff 1-1-98

Liq 605.08 Good Behavior. The commission shall, for good behavior as specified in Liq 601.03(h), waive the last 10 days of any suspension imposed under the provisions of Liq 605.02, Liq 605.03, Liq 605.04, and Liq 605.05.

Source. #6669, eff 1-1-98

CHAPTER Liq 700 LICENSEE LICENSING

PART Liq 701 CHAPTER DEFINITIONS AND OVERLYING CONDITIONS

Liq 701.01 Definition of Terms. The following terms shall be construed as set forth below:

- (a) "Affidavit" means a sworn statement of fact by an individual under oath or on affirmation before an authorized magistrate or officer;
- (b) "Applicant" means any natural or unnatural person intending to fulfill statutory and administrative requirements for the issuance of a license pursuant to RSA 178;
- (c) "Application" means any written form, provided by the commission, which is a formal request for the issuance of a license;
- (d) "Chief of enforcement" means the chief of the bureau of enforcement and licensing;
- (e) "Cold food preparation area" means an area with at least a preparation counter, refrigeration, and food storage;
- (f) "Designation form" means a form provided by the commission to license applicants which is used to designate an individual to attend the required management training;
- (g) "Bureau" means the bureau of enforcement and licensing;
- (h) "Hot food preparation area" means an area containing at least a stove, or an oven, or a microwave, or a steamer, or a steam table;
- (i) "Investigator" means a liquor enforcement officer appointed under the provisions of RSA 179:59 who is empowered to recommend issuance of a license;
- (j) "Licensing agent" means an employee of the liquor commission who is authorized to assist the public with applications for liquor licenses, to evaluate license applications as to their completeness, whether or not the applicant and proposed business meet all requirements of the license applied for, and to recommend either the issuance or rejection of such license;
- (k) "License" means any license to sell alcoholic beverages issued by the commission;
- (l) "License year" means the period of time which an original license has been issued until it has expired or been renewed;
- (m) "Manager" means an individual who:
 - (1) Exercises personal control over policies, operating procedures, and operations of a licensed business; and
 - (2) Is designated by the holder of or applicant for a license under this chapter to attend the management training seminar for the licensee;
- (n) "Management training seminar" means the commission training program for new licensees required by RSA 178:2;
- (o) "Mini-app" means the form to be filled out with certain preliminary information needed to generate application form LE-1;
- (p) "Original license" means the first license issued to a business pursuant to RSA 178;
- (q) "Processing fee" means that fee which accompanies a mini-app which will recover the processing costs of new applicants;
- (r) "Renewal" means any application for a license that has not lapsed or expired more than 90 days except for a seasonal license;
- (s) "Supporting documentation" means complete signed copies of all requested materials in support of an application and required by Liq 702.03(b)(1)-(27);
- (t) "Wait service" means service by a licensee or their employee of food, beverages, liquor or other items to the seating

accommodations of the patrons; and

(u) "Valid certificate of attendance at a management training seminar" for the purpose of obtaining a liquor license means a certificate issued:

- (1) Not more than 45 days prior to the issuance of the liquor license to which it applies; and
- (2) To one of the following:
 - a. An individual applying for the license;
 - b. A corporate officer of a corporation applying for the license;
 - c. A individual who is a member of an LLC or limited liability partnership applying for the license; or
 - d. A manager for the license being applied for.

Source. #4455, eff 7-5-88; ss by #5043, eff 1-11-91; amd by #5289, eff 1-1-92; ss by #6391, eff 11-28-96 (from Liq 701.02); amd by #7551, INTERIM, eff 9-9-01, EXPIRES: 3-8-02; amd by #7668, eff 3-29-02; ss by #8138, eff 8-13-04

Liq 701.02 Completing Forms. Whenever a person is required to complete a form, as described in RSA 178 and this chapter, the following provisions shall apply:

- (a) Forms shall be filled out completely and truthfully;
- (b) Forms shall be completed in a legible manner;
- (c) Forms shall be completed in non-fading, non-erasable graphic such as ink or typewritten; and

(d) Nothing in this section shall be construed so as to prohibit internet or other electronic filing of forms when the bureau has the capability of authorizing and processing such forms.

Source. #4455, eff 7-5-88; ss by #5043, eff 1-11-91; ss by #6391, eff 11-28-96 (from Liq 701.03); ss by #8138, eff 8-13-04

Liq 701.03 Incomplete Form Returned. In the event a person submits a form not in compliance with Liq 700, such form shall not be processed. The form shall be returned by U.S. mail to the submitting party with the reasons for such return noted.

Source. #4455, eff 7-5-88; ss by #5043, eff 1-11-91; ss by #5289, eff 1-1-92; ss by #6391, eff 11-28-96 (from Liq 701.04); ss by #8138, eff 8-13-04

Liq 701.04 Failure to Comply with Statute or Rule. In the event an applicant fails to comply with an application rule or statute, such applicant's application shall not be processed and the applicant shall be notified thereof, together with the reasons for such rejection of the application. Notification shall be made in writing and within 10 working days of the date of rejection.

Source. #4455, eff 7-5-88; ss by #5043, eff 1-11-91; amd by #5289, eff 1-1-92; ss by #6391, eff 11-28-96 (from Liq 701.05); ss by #8138, eff 8-13-04

Liq 701.05 Fees, Form of Payment.

(a) Whenever an applicant makes a payment to the bureau for satisfaction of a fee, the provisions of this section shall apply.

(b) Payment shall be made in the form of United States currency, a check, money order, or other negotiable instrument payable upon demand for the total amount due for the initial or renewal license year for each license applied for. Cash, money orders, or certified check shall be required when an applicant has issued payment to the bureau by check, and such check was returned for insufficient funds, in order to insure payment on a fee. Penalties shall be consistent with the requirements of RSA 6:11-a, I;

(c) Such instrument described in paragraph (a) above shall be made payable to the "State of New Hampshire-Liquor

Commission". A suitable alternative term including but not limited to "State of NH", "State Liquor Commission" or "Liquor Commission" shall not be cause for refusal to accept such instrument, providing it does not lend itself to endorsement of the instrument by any other party other than the state of New Hampshire, nor for any private individual or purpose; and

(d) Any payment made to the bureau by check which is returned for insufficient funds which has not been made good, including any penalty assessment required by RSA 6:11-a by cash, money order or certified check within 24 hours, excluding weekends and holidays, of notification of the licensee or one of their employees, shall result in proceedings for suspension or revocation of the license not paid for.

(e) The bureau shall also accept payments by means of approved credit and debit cards when the bureau has the capability of authorizing and processing such payments.

Source. #4455, eff 7-5-88; ss by #5043, eff 1-11-91; ss by #6391, eff 11-28-96 (from Liq 701.06); ss by #8138, eff 8-13-04

Liq 701.06 When Submitted. Unless otherwise provided in these rules, any fee prescribed by a statute or rule shall be submitted for the full amount due as calculated by Liq 703.06 at the same time as the application to which it applies.

Source. #4455, eff 7-5-88; ss by #5043, eff 1-11-91; ss by #6391, eff 11-28-96 (from Liq 701.07); ss by #8138, eff 8-13-04

Liq 701.07 Checks.

- (a) No check shall be accepted which bears a date subsequent to the date of the transaction.
- (b) Except as provided in this rule, no 2-party check shall be accepted.
- (c) A two-party check shall be accepted if:
 - (1) One of the parties is the state of New Hampshire;
 - (2) The applicant is the other party; and
 - (3) The amount of the check is not greater than the fee.
- (d) No check shall be accepted which is dated more than 30 days prior to the receipt.
- (e) Any check as described in Liq 701.07(a), (b), or (d) shall cause the application to be incomplete.

Source. #4455, eff 7-5-88; ss by #5043, eff 1-11-91; ss by #5289, eff 1-1-92; ss by #6391, eff 11-28-96 (from Liq 701.08); ss by #8138, eff 8-13-04

PART Liq 702 APPLICATION PROCESS

Liq 702.01 Purpose. The purpose of these rules is to develop and maintain a uniform and systematic approach to licensing of businesses as required and described under Liq 700 and RSA Chapter 178.

Source. #4455, eff 7-5-88; ss by #5043, eff 1-11-91; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04

Liq 702.02 Procedure to Apply. When any natural or unnatural person desires to obtain a license to sell alcohol they shall submit a request with the bureau in writing. Such request shall be made by the applicant or their designee.

Source. #4455, eff 7-5-88; ss by #5043, eff 1-11-91; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04

Liq 702.03 Requirements of Investigator/Licensing Agent.

(a) Licensing agents or investigators of the bureau shall solicit preliminary information necessary to initiate an application, and provide a written checklist of documentation described in Liq 701.01(o) and RSA 178 as provided in this part, before the application shall be processed.

(b) The checklist shall indicate the categories of written documentation which the applicant shall provide to support

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their particular license application type, as follows:

- (1) For each on or off-sale premise a signed deed, lease, or rental agreement for the premises;
- (2) For each on-sale premise a copy of a valid permit of assembly, letter or certificate of occupancy issued by the local or state fire authorities;
- (3) For each corporate applicant a copy of the:
 - a. Corporate certificate or letter of good standing from the secretary of state;
 - b. Articles of incorporation, by-laws, ownership and distribution of stock within the corporation; and
 - c. Minutes of the election of the current officers and directors or minutes of each meeting electing officers or directors to provide a complete and accurate record of the current status of all officers and directors and true ownership of the corporation or a sworn affidavit by the corporate secretary attesting to who the current officers and directors are in lieu of minutes;
- (4) A copy of the registration of the trade name by the N.H. secretary of state of the business by the applicant and, if:
 - a. A copy of the registration of a limited partnership from the state in which it was formed in and, for non-NH partnerships, a copy of the registration with the N. H. secretary of state to do business in N.H.;
 - b. A copy of the corporate certificate issued by the NH secretary of state or a copy of the registration with the NH secretary of state to do business in NH; or
 - c. The certificate of existence of a limited liability company issued by the NH secretary of state; or a copy of the certificate of formation of the limited liability company with the filing date stamp of the NH secretary of state; or a copy of the authorization of the NH secretary of state for the limited liability company to business in NH;
- (5) A copy of a valid certificate, license or letter of compliance issued by the state or town in which the business is located showing compliance with the provisions of RSA 143-A;
- (6) An affidavit, sworn to in front of a notary public or a justice of the peace, which shall provide:
 - a. Name;
 - b. Address;
 - c. Date of birth;
 - d. Place of birth;
 - e. .The signature of the affiant; and
 - f.. Either:
 1. A statement that the provider is a U.S. citizen free of any felony convictions; or
 2. For non citizens a copy of the person's identification card issued by the United States and a statement that the provider is a legal registered alien free of any felony convictions.
- (7) A complete copy of any signed partnership agreement;
- (8) A signed and dated bill of sale for any alcoholic beverages purchased when buying an existing business;
- (9) A signed and dated bill of sale for any draft system for alcoholic beverages;
- (10) Copies of the invoices for groceries and/or a signed and dated bill of sale from the former owner of the grocery stock to the new owner of the business;
- (11) A managerial appointment shall consist of a letter from and signed by the owner, partners, member or a manager of an LLC or authorized corporate officer naming the manager together with his address, date and place

of birth;

(12) A copy of the United States permit by the U.S. Treasury Tax and Trade Bureau for applicants for a liquor, wine, or beverage manufacturer's license, brew pub license, beverage vendor license, and beverage vendor importer's license;

(14) Proof of New Hampshire residency for applicants for a liquor and wine representative license, consisting of an affidavit by the applicant attesting to a minimum of 3 years residing within the state of N.H. containing:

a. Name;

b. Address;

c. A statement that the person has been a legal resident of New Hampshire for at least 3 years; and

d. Notarized signature of the affiant;

(15) A common carrier shall file a copy of the United States Department of Transportation or Interstate Commerce Commission license or an affidavit from a NH based in-state carrier attesting to being a person who, for a fee, provides public transportation of goods or persons;

(16) A surety bond issued to the wholesaler guaranteeing the amount required by law;

(17) For an auctioneer's/sheriff's license a copy of a bill of sale, order of foreclosure, or letter of administration by the judge of probate;

(18) Proof of registration of the pharmacist shall be a copy of the license or certificate issued by the N.H. pharmacy board;

(19) Proof of membership in the N. H. Fair Association shall consist of a letter of good standing from the N.H. Fair Association;

(20) Proof of licensing by the N.H. department of safety of a passenger tramway device shall consist of a copy of the tramway inspection certificate issued for the device;

(21) Proof of accreditation of a college or university shall consist of a letter from the accrediting agency indicating that the college or university is accredited and in good standing;

(22) Proof of non-profit status shall consist of a copy of the document issued by the U.S. Internal Revenue Service and the N. H. Secretary of state granting non-profit status;

(23) Proof of inspection with the N.H. department of transportation for a dining or rail car shall consist of a copy of the certificate, letter of compliance, or license issued by the inspecting agency;

(24) Proof of the number of kilometers of cross country ski trails maintained for skiing shall consist of an affidavit by the owner/operator as to the number of kilometers of trails maintained; and

(25) Proof of compliance with the U.S. Coast Guard or the N.H. department of safety shall be a copy of the certificate or license issued by the inspecting agency.

(26) A notarized certificate or affidavit from the registered agent of the limited liability company furnishing all information required by RSA 178:3 V;

(c) The investigator or licensing agent shall furnish to the applicant the written checklist requirements indicated in (a).

(d) The investigator or licensing agent shall make a physical inspection of the premise to which the license is to be issued to insure compliance pursuant to RSA 178, RSA 175:1 and this chapter.

(e) The investigator or licensing agent shall meet with the applicant or their designee to review the supporting documentation, and provide a field recommendation to the commission as to the qualifications of the applicant to obtain the license.

Source. #4455, eff 7-5-88; ss by #5043, eff 1-11-91; ss by #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04

Liq 702.04 Requirements of Applicants.

- (a) Each applicant shall submit to the bureau an application for a license.
- (b) Original applications shall be accompanied by:
 - (1) The checklist issued by the agent; and
 - (2) Required supporting documentation, including:
 - a. A valid certificate of attendance at a management training seminar; or
 - b. A signed designation form naming an individual to attend required training within 45 days.

Source. #4455, eff 7-5-88; ss by #5043, eff 1-11-91; ss by #6391, eff 11-28-96; ss by #7551, INTERIM, eff 9-9-01, EXPIRED: 3-8-02

New. #7668, eff 3-29-02; ss by #8138, eff 8-13-04

Liq 702.05 Credit for Fees. A licensee shall receive full credit for those fees paid, in the existing license year, when the applicant applies for a license upgrade or increase in the number of registers as authorized under RSA 178.

Source. #4455, eff 7-5-88; ss by #5043, eff 1-11-91; amd by #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04 (from Liq 702.06)

Liq 702.06 Training Required, Designee.

- (a) Pursuant to RSA 178:2, for each on or off premise license initially issued at least one individual shall attend the commission management training seminar licensee basic training course.
- (b) A licensee may designate a manager by name to attend the training in his stead on a designation form provided by the commission, which shall be filed with the license application.

Source. #4455, eff 7-5-88; ss by #5043, eff 1-11-91; amd by #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04 (from Liq 702.07)

Liq 702.07 Management Training Seminar.

- (a) The commission shall offer the required management training seminar.
- (b) Anyone may attend and receive a certificate of completion so long as positive identification as required in RSA 179:8 is provided.
- (c) Class dates and locations shall be available on the commission internet site.
- (d) A schedule of classes shall be provided to all license applicants by the licensing officer.

Source. #7551, INTERIM, eff 9-9-01, EXPIRED: 3-8-02

New. #7668, eff 3-29-02; ss by #8138, eff 8-13-04 (from Liq 702.08)

Liq 702.08 License Suspension.

- (a) Pursuant to RSA 178:2 any initial on or off premise license shall be suspended at midnight of the 45th calendar day from date of issuance if the license holder or designee has not attended the required management training seminar course.
- (b) Notice of this shall accompany the license application and be signed by the licensee.
- (c) No other notice or hearing shall be required prior to said suspension.
- (d) The license shall be reactivated on the calendar day after the licensee or designee has completed the required management training seminar.

Source. #7551, INTERIM, eff 9-9-01, EXPIRED: 3-8-02

New. #7668, eff 3-29-02; ss by #8138, eff 8-13-04 (from Liq 702.09)

PART Liq 703 LICENSING FORMULA

Liq 703.01 Purpose. The purpose contained herein is to provide applicants with a formula for the calculation of license fees as required pursuant to RSA 178.

Source. #4455, eff 7-5-88; ss by #5043, eff 1-11-91; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04

Liq 703.02 Definitions.

- (a) "B-Month" means the birth month for an individual or legal date of organization.
- (b) "C-Month" means the effective month of a new license.
- (c) "D-Month" means the difference in months between B-Month and C-Month.
- (d) "Eff Date" means the first day of the month the license is to take effect.
- (e) "License-Months" means the length of a license issued in measurement by month.
- (f) "SPI" means either the birth date or legal date of incorporation or other organization.
- (g) "Table" means any chart, graph, or reference material included to more clearly explain a concept or legal requirement.

Source. #4455, eff 7-5-88; ss by #5043, eff 1-11-91; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04

Liq 703.03 Publication Required. The bureau shall adopt as an administrative rule and publish any formula by which a calculation for license fee is made or any change in the method or manner in which the calculations may be made. Such formula shall be published as soon as possible following any legislative action modifying any existing fee or formula.

Source. #4455, eff 7-5-88; ss by #5043, eff 1-11-91; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04

Liq 703.04 Formula for Calculation of Licensing Months. The formula for calculation of licensing months for initial licenses shall be as follows:

- (a) If B-Month is less than C-Month, the license fee shall be calculated as follows:
 - (1) The D-Month shall equal the C-Month minus B-Month plus one;
 - (2) If D-Month is less than 9, the license months shall equal 12 minus D-Month; and
 - (3) If D-Month is greater than or equal to 9, the license months shall equal 24 minus D-Month.
- (b) If B-Month is greater than or equal to C-Month the license fee shall be calculated as follows:
 - (1) The D-Month shall equal the B-Month minus C-Month minus one;
 - (2) If D-Month is less than 4, the license months shall equal 12 plus D-Month; and
 - (3) If D-Month is greater than or equal to 4, the license months shall equal D-Month.
- (c) Licenses, except for seasonal, supplemental, state fair, special, beer festival, or one day licenses shall be issued for periods of at least 4 months but shall not exceed 15 months as determined by the formula in Liq 703.04(a) and (b).

Source. #4455, eff 7-5-88; ss by #5043, eff 1-11-91; ss by #5289, eff 1-1-92; ss by #5641, eff 6-22-93; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04

Liq 703.05 Table A.

- (a) The length of the license issued shall be based on the effective date of the license and SPI date.
- (b) Once the effective month and SPI month have been determined the number of months for the initial license or

lapsed license shall be in compliance with table 7.1 below:

TABLE 7.1

FOR DETERMINING THE NUMBER OF MONTHS OF AN INITIAL OR LAPSED LICENSE

SPI MONTH

Eff. Month

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Jan	13	14	15	4	5	6	7	8	9	10	11	12
Feb	12	13	14	15	4	5	6	7	8	9	10	11
Mar	11	12	13	14	15	4	5	6	7	8	9	10
Apr	10	11	12	13	14	15	4	5	6	7	8	9
May	9	10	11	12	13	14	15	4	5	6	7	8
Jun	8	9	10	11	12	13	14	15	4	5	6	7
Jul	7	8	9	10	11	12	13	14	15	4	5	6
Aug	6	7	8	9	10	11	12	13	14	15	4	5
Sept	5	6	7	8	9	10	11	12	13	14	15	4
Oct	4	5	6	7	8	9	10	11	12	13	14	15
Nov	15	4	5	6	7	8	9	10	11	12	13	14
Dec	14	15	4	5	6	7	8	9	10	11	12	13

Source. #4455, eff 7-5-88; ss by #5043, eff 1-11-91; ss by #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04

Liq 703.06 License Fees. The initial or renewal fee for any license shall be the sum of the license-months divided by 12 multiplied by the annual cost for each category pursuant to RSA 178:29 except for one day, seasonal, special, supplemental, beer festival and state fair licenses.

Source. #4455, eff 7-5-88; ss by #5043, eff 1-11-91; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04

Liq 703.07 Refunds Prohibited. The fees paid by any licensee for a license, regardless of the license term, shall not be refundable except when a refund request is received by the commission prior to the effective date of the license.

Source. #4455, eff 7-5-88; ss by #5043, eff 1-11-91; amd by #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04

PART Liq 704 LICENSE RENEWALS

Liq 704.01 Notice of Renewal.

(a) The bureau shall flag all year round licenses 90 days before their renewal date, and

(b) The following shall apply:

- (1) The bureau shall issue a written application, form LE-1, for the renewal of licenses to every licensee;
- (2) The application shall be delivered by mail or other appropriate method to an address designated by the licensee;
- (3) The applicant shall answer all questions in form LE-1 designed for the renewal of a license as required pursuant to RSA 178:3 and applicable parts of Liq 700;
- (4) All questions shall be answered truthfully, completely, in a legible manner, and in a non-erasable graphic;
- (5) Any supporting documentation required to update an application pursuant to Liq 702.03(b) shall accompany the application when submitted for renewal;
- (6) The renewal applicant's application to the bureau office in Concord shall be postmarked at least 30 days before the expiration date of their license; and

(7) The fees, and form of payment shall comply with the provisions of Liq 701.05.

Source. #4455, eff 7-5-88; ss by #5043, eff 1-11-91; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04

Liq 704.02 Bond Required.

(a) A wholesale distributor as defined by RSA 175:1, LXVI shall give to the state of New Hampshire a surety bond required by RSA 178:16, II.

(b) The formula for a renewed bond shall be 1.5 times the highest monthly sum of additional fees paid pursuant to RSA 178:26 during the 12 month period ending 3 months prior to the license renewal date.

(c) The amount of the bond required for an original applicant shall be in an amount determined by an estimate of the commission based upon the vendor's or applicant's estimated sales. The bond amount shall be reviewed every 3 months and shall be based upon the actual number of gallons of beverage sold monthly multiplied by the amount of tax specified by RSA 178:26 for each gallon sold multiplied by 1.5 during the period of the original license.

(d) The length of time a bond is required shall be consistent with the requirements of RSA 178:16.

Source. #4455, eff 7-5-88; ss by #5043, eff 1-11-91; ss by #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04 (from Liq 704.03)

PART Liq 705 LICENSE APPLICATION FEES

Liq 705.01 Mini-App/Processing and Investigation Fees for New Licenses.

(a) As part of the application procedure any new applicant for a new license issued pursuant to this title with the exception of supplemental, special, or one day licenses shall pay a fee to recover the costs of processing and investigating each type of license application.

(b) Any new applicant desiring to be licensed, with the exception of special and supplemental license applicants, shall submit the application fee at the time a "mini-app" is submitted to request an application form.

(c) A "mini-app" with the correct application fee shall be submitted to the commission office by the applicant to generate the application for licensure.

(d) No application, except a special or supplemental license application, shall be generated without the application fee accompanying the mini-app.

(e) Application processing and investigation fees shall be non-refundable.

(f) An applicant shall be considered a new applicant if their license has lapsed more than 90 days, unless the applicant was the holder of a seasonal license in the current or previous calendar year.

Source. #5043, eff 1-11-91; ss by #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04

Liq 705.02 Mini-App/License Processing and Investigation Fees.

(a) Each new applicant for a one day, a beer festival, or a liquor and wine representative license shall pay a processing and investigation fee of \$25.00.

(b) Each new applicant for any other type of license, except a special or supplemental license shall pay a processing fee of \$100.00.

Source. #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04

PART Liq 706 REQUIRED INFORMATION TO BE SUPPLIED ON, OR IN ADDITION TO NEW OR RENEWAL APPLICATION FORM LE-1

Revision Note:

Document #5289, effective 1-1-92. adopted Part Liq 706, which made extensive changes to the wording and format of the requirements in Part Liq 405. Document #5289 did not, however, repeal Liq 405, due to an agency oversight. Part Liq file://C:\Documents%20and%20Settings\dml\Local%20Settings\Temporary%20Internet%20Files\OLK... 2/7/2005

405 remained in effect until repealed, effective 3/21/92, by Document #5363.

Liq 706.01 Applicant Information Required on all Applications.

(a) Any person wishing to obtain a license under RSA 178 shall provide, certify and affirm under the penalties of RSA 641:3 the following information on or in addition to form LE-1 to the commission:

- (1) Name of applicant, whether an individual, partners, limited liability company or partnership, or corporation;
- (2) Date and place of birth of applicant(s), if a single proprietor or partnership;
- (3) Home address, street and town of the applicant(s);
- (4) Trade name of business for which the license is sought;
- (5) Location of the business including the street address and town;
- (6) Mailing address for the business;
- (7) Information as to whether business is a single proprietorship, partnership, limited liability company or partnership, or corporation;
- (8) If business is a limited liability company or limited liability partnership or is incorporated, the state in which it is chartered and if a foreign limited liability company or corporation, information as to whether it has been registered with the New Hampshire secretary of state;
- (9) Information as to whether the individuals, partners within a partnership, limited liability company or partnership members and managers, or corporation officers and directors are:
 - a. Of legal age to hold a license;
 - b. Citizens of the United States or meet the requirements of RSA 178:3, II; and
 - c. Free of any felony convictions;
- (10) An explanation of any negative answer to Liq 706.01(a)(9);
- (11) If the applicant owns the premise:
 - a. The name of any person who owns or has the right to control an interest in the proposed location; and
 - b. If there is a mortgage in effect:
 1. With whom; and
 2. The outstanding balance as of the day of application;
- (12) If premises are rented or leased, the name of the owner together with his address and the name of any person who owns or has the right to control an interest in the proposed location;
- (13) Information as to whether the applicant has previously held a license, whether or not a license has ever been denied, and whether the applicant has other business interests, whether the applicant has any interest in a business involving the manufacture, sale or distribution of liquor or beverage;
- (14) A list of all partners in a partnership, of all members of a limited liability company or partnership who are natural persons, or of all officers and shareholders owning 5% or more of the outstanding shares in a corporation with their home addresses and dates of birth and birth places; and
- (15) The business and home telephone numbers of the principals.

(b) If a single proprietorship, the owner shall sign the application. If a partnership, all partners shall sign application. If a corporation, an officer of said corporation shall sign application. If a limited liability company or partnership, any member or a duly authorized manager shall sign the application.

(c) All applications shall be filed with the proper fee and signed under the penalty of RSA 641:3.

(d) Each applicant shall acknowledge that by virtue of signing the application, the applicant agrees to comply with all provisions of RSA Title XIII and the administrative rules of the commission.

(e) Each applicant shall acknowledge that he shall report to the commission, within 30 days any change in status of the business that would require a change or modification to any of the questions on the application.

(f) Each applicant shall acknowledge that any misrepresentation or falsification on his application shall result in application rejection and any license issued by the N. H. state liquor commission shall be revoked after notice and a hearing pursuant to RSA 541-A and Liq Part 206.

Source. (See Revision Note at part heading for Liq 706) #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04

Liq 706.02 Liquor Manufacturer and Rectifier Licenses. In addition to the requirements of Liq 706.01, each applicant for a liquor manufacturer pursuant to RSA178:6 or rectifier license pursuant to RSA178:7 shall provide the following information on form LE-1 to the commission:

- (a) Whether the plant and equipment is owned by the applicant;
- (b) That the applicant acknowledges that sales of liquor shall only be made for shipment outside the state or to the commission;
- (c) A detailed description of the type of liquor to be manufactured or rectified;
- (d) That the applicant agrees to furnish copies of their BATF production reports;
- (e) Whether the applicant has any interest in any wholesale or retail licensee in the state; and
- (f) Whether the applicant holds a permit issued by the United States and, if so, the type.

Source. (See Revision Note at part Heading for Liq 706) #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04

Liq 706.03 Liquor and Wine Vendor License. In addition to the requirements of Liq 706.01, applicants for a liquor and wine vendor's license shall provide the following information on form LE-1 to the commission:

- (a) Acknowledgment that the applicant has no financial interest in the business of any retail licensee;
- (b) Acknowledgment that the applicant can only sell liquor and wine to the State of New Hampshire and not to retail licensees;
- (c) Acknowledgment that the license fee shall be determined by the amount of liquor and wine shipped into this state during the previous calendar year;
- (d) Acknowledgment by the applicant that the previous year means the 12 months preceding the 90 days prior to the actual expiration of the license;
- (e) The number of cases of liquor and wine the applicant shipped to the commission during the previous year;
- (f) Acknowledgment that the applicant understands that any representatives soliciting sales of his product in this state shall be required to have a liquor and wine representative license;
- (g) A list of those liquor and wine representatives and their license numbers;
- (h) Acknowledgment that the applicant, if a corporation chartered outside New Hampshire, has a registered agent in this state and is registered with the New Hampshire secretary of state; and
- (i) Acknowledgment that the applicant's registered agent is a resident of this state and maintains an office at the same location as the registered resident office.

Source. (See Revision Note at part Heading for Liq 706) #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04

Liq 706.04 Warehouse Licenses. In addition to the requirements of Liq 706.01, each applicant for a liquor/wine/beverage warehouse license shall provide the following information on form LE-1 to the commission:

(a) Acknowledgment that the applicant understands that the possession of a liquor/wine/beverage warehouse license only entitles the licensee to receive, warehouse and ship, for a fee, any liquor, wine or beverage as defined by RSA 175:1, or any combination thereof belonging to any retailer, vendor, wholesale distributor or manufacturer licensed in this state;

(b) Acknowledgment that the applicant maintains a bonded warehouse licensed pursuant to RSA 348:1 for liquor, wine and beverage storage within the state of N.H.;

(c) Acknowledgment that the applicant has a computer system capable of interfacing with the commission's computer system for their business operations;

(d) Acknowledgment that the applicant's business records shall be available for inspection by the commission;

(e) Acknowledgment that the applicant has no authority to sell any beverage, wine or liquor stored on his premise;

(f) Acknowledgment by the applicant that all liquor, wine and beverage stored on his premise shall be separated in such a manner that the commission, upon audit, can determine ownership of such product;

(g) Acknowledgment that the applicant shall submit reports to both the bureau of enforcement and the commission's warehousing and transportation division s as required, indicating the quantity, type, size and brands of all product received, shipped or stored on their premise; and

(h) Acknowledgment that any additional fees relating to transportation or shipping charges shall be borne by the liquor/wine/beverage warehouse, rectifier, manufacturer, liquor and wine vendor to cover shipment of bailment or other liquor and wine products to the commission for subsequent distribution.

Source. (See Revision Note at part Heading for Liq 706) #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04

Liq 706.05 Wine Manufacturer's License. In addition to the requirements of Liq 706.01, each applicant for a wine manufacturer's license shall provide the following information on form LE-1 to the commission:

(a) Whether the plant and equipment is owned by the applicant;

(b) The type of wines manufactured;

(c) Acknowledgment that the applicant shall furnish production reports as required by RSA 178:8, IV;

(d) Acknowledgment that the applicant has no financial interest directly or indirectly in the business of any wholesale or retail licensee;

(e) Acknowledgment that the applicant understands that they shall only sell wine to the commission for further distribution to retail outlets, directly to the holders of on- or off-sale licenses issued by the commission, out of state, or on their licensed premises at retail or wholesale for off premise consumption;

(f) Acknowledgment that the applicant understands they shall have a federal permit issued by the Tax and Trade Bureau of the United States Treasury for the manufacture of wine;

(g) Acknowledgment that they understand that any of their representatives soliciting for the sale of wine in New Hampshire shall carry a copy of their wine manufacturer's license;

(h) Acknowledgment that the wine produced and/or sold under this license shall be at least 6% and not over 24% of alcoholic content by volume at 60 degrees Fahrenheit;

(i) The number of 9 liter cases or equivalent of wine fermented as reported to United States Treasury Tax and Trade Bureau during the previous calendar year.

Source. (See Revision Note at part Heading for Liq 706) #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04

Liq 706.06 Liquor and Wine Vendor License. In addition to the requirements of Liq 706.01, each applicant for a table wine vendor license shall provide the following information on form LE-1 to the commission:

(a) Acknowledgment that the applicant has no financial interest directly or indirectly in the business of any retail

licensee;

(b) Acknowledgment that the applicant shall only sell liquor and/or wine to the commission for further distribution to retail outlets;

(c) Acknowledgment that the applicant's license fee shall be predicated on the amount of liquor and wine shipped into New Hampshire during the previous calendar year;

(d) The number of cases of liquor and wine shipped into New Hampshire during the preceding calendar year;

(e) The name of their liquor and wine representative(s);

(f) The license number(s) of their liquor and wine representative(s); and

(g) Acknowledgment that the applicant, if a corporation chartered outside New Hampshire, has an office registered with the New Hampshire secretary of state in this state and acknowledgment that his registered agent is a resident of this state and maintains an office at the same location as the registered resident office.

Source. (See Revision Note at part Heading for Liq 706) #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04

Liq 706.07 Liquor and Wine Representative License. In addition to the requirements of Liq 706.01, each applicant for a liquor and wine representative license shall provide the following information on form LE-1 to the commission:

(a) Acknowledgment that the applicant has no financial interest in the business or the premises of any retail licensee;

(b) Acknowledgment that the applicant has not been convicted of a felony, or an explanation if answered in the affirmative;

(c) Acknowledgment by the applicant that all contracts and agreements entered into by them shall be enforceable under New Hampshire law;

(d) Acknowledgment by the applicant that he shall be a resident of the state of New Hampshire for at least 3 years, or shall have at least one director, officer, or partner who has been a New Hampshire resident for at least 3 years;

(e) The names and the length of time the applicant, or his director, officer, partner or has resided in the state;

(f) A list of vendors represented; and

(g) Acknowledgment by the applicant that any liquor or wine vendor they represent shall be licensed pursuant to RSA 178:9.

Source. (See Revision Note at part Heading for Liq 706) #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04

Liq 706.08 Beverage Manufacturer Licenses. In addition to the requirements of Liq 706.01, each applicant for a beverage manufacturer license shall provide the following information on form LE-1 to the commission:

(a) Whether the plant and equipment is owned by the applicant;

(b) A detailed description of the brands of alcoholic beverage to be manufactured;

(c) Acknowledgment that the applicant understands that their license only entitles them to manufacture beverage as defined by RSA 175:1 and transport same to the state line;

(d) Acknowledgment that the applicant agrees to furnish reports pursuant to Liq 506.11;

(e) Acknowledgment that the applicant has no interest in any wholesale or retail licensee in the state;

(f) Acknowledgment that the applicant holds a brewer's notice issued by the United States; and

(g) Acknowledgment that the manufacturer's hospitality room shall meet the requirements of RSA 179:26, I & II and RSA 179:27, I & II and the employees of the hospitality room shall meet the requirements of RSA 179:23, IV or V.

Source. (See Revision Note at part Heading for Liq 706) #5289, eff 1-1-92; ss by

#6391, eff 11-28-96; ss by #8138, eff 8-13-04 (from Liq 706.09)

Liq 706.09 Carrier License. In addition to the requirements of Liq 706.01, each applicant for a carrier license shall provide the following information on form LE-1 to the commission:

(a) Acknowledgment that the carrier is registered with the United States Department of Transportation and the carrier's US D. O. T. number; and

(b) Acknowledgment by the applicant that all vehicles engaged in picking up and/or delivering beverage in New Hampshire shall carry a copy of the carrier's license in the vehicle.

Source. (See Revision Note at part Heading for Liq 706) #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04 (from Liq 706.10)

Liq 706.10 Beverage Vendor Licenses. In addition to the requirements of Liq 706.01, each applicant for a beverage vendor license shall provide the following information on form LE-1 to the commission:

(a) Acknowledgment that the applicant has no financial interest direct or indirect in the business of any wholesaler or retailer of beverages;

(b) Acknowledgment that the applicant shall only sell beverages in this state to holders of wholesale distributor licenses pursuant to the provisions of RSA 180;

(c) Acknowledgment that the applicant shall furnish a report prior to the 10th of the month, to the commission on a form prescribed by the commission as required by Liq 506.11(a) showing the quantity of beverages sold or delivered in the state during the previous month;

(d) Acknowledgment that the applicant understands that they shall submit an application and pay a license fee for each manufacturer of beverages whose products they sell;

(e) The names and locations of all breweries and their locations owned by the applicant;

(f) The names and addresses of all wholesale distributors with whom they are doing business in New Hampshire; and

(g) The trade name of all products being shipped into the state.

Source. (See Revision Note at part Heading for Liq 706) #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04 (from Liq 706.12)

Liq 706.11 Wholesale Distributor Licenses. In addition to the requirements of Liq 706.01, each applicant for a wholesale distributor license shall provide the following information on form LE-1 to the commission:

(a) Acknowledgment that no principal of a holder of a beverage manufacturer, beverage vendor, liquor and wine vendor, or liquor and wine representative has any interest in the business of the applicant;

(b) Acknowledgment that the applicant agrees to purchase beverage only from holders of beverage vendor, beverage manufacturer, brew pub, or wholesale distributor licenses;

(c) Acknowledgment that the applicant shall furnish to the commission on or before the 10th of the month on forms prescribed by the commission certain sales information required for tax purposes, as specified in Liq 506:10;

(d) Acknowledgment that the applicant shall post a bond with the commission as required by RSA 178:16, II and Liq 704.04;

(e) Acknowledgment that the applicant and persons in his employment shall carry a copy of this license while conducting business for the wholesaler and also in all vehicles engaged in the transportation of beverages;

(f) Acknowledgment by the applicant that sales under the included off-sale provisions of their license shall be limited to the licensed premises; and

(g) Acknowledgment that the applicant shall not deliver beverage in less than case lots.

Source. (See Revision Note at part Heading for Liq 706) #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04 (from Liq 706.14)

Liq 706.12 Auctioneer's/Sheriff's Sale Off-Sale Special License. In addition to the requirements of Liq 706.01, each applicant for an off sale special license shall provide the following information on a form to the commission:

- (a) Type of sale/auction, such as foreclosure, court order, assignee;
- (b) Location of the sale/auction;
- (c) Dates of the sale/auction;
- (d) Time(s) of the sale/auction;
- (e) If an auction, the auctioneer's license number and the state where that license was issued;
- (f) If a sheriff's sale or auction the county in which it will be conducted;
- (g) If an administrator/executor sale, the name of estate and letter of administration signed by the judge of probate;
- (h) A copy of the foreclosure, court order, assignment or liquidation order attached to the form; and
- (i) Inventory of the alcohol to be sold/auctioned.

Source. (See Revision Note at part Heading for Liq 706) #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04 (from Liq 706.16)

Liq 706.13 Combination License. In addition to the requirements of Liq 706.01, each applicant for a combination license shall provide the following information on form LE-1 to the commission:

- (a) Acknowledgment that the applicant shall not carry on the business as an agent for another;
- (b) Information as to whether an applicant is either directly or indirectly under control of any other person;
- (c) Acknowledgment that no manufacturer, vendor, liquor and wine representative, or wholesale distributor has a financial interest in the business of the applicant;
- (d) Acknowledgment that the business of the applicant shall not be conducted with any money or equipment, furniture or property rented from any manufacturer, vendor, or liquor and wine representative or wholesale distributor;
- (e) Acknowledgment that the applicant for a drug store combination license is or employs a registered pharmacist;
- (g) Acknowledgment that the applicant understands that the license fee shall be based on the number of cash registers on the premises as specified in RSA178:29 II;
- (h) Acknowledgment by the applicant that each vehicle used for transporting beverage and/or table wine for the business shall carry a copy of the license when transporting beverage and/or table wines;
- (i) The total number of cash registers the applicant has in use for his business; and
- (j) Acknowledgment that the applicant shall only sell beverages, specialty beer and wine as defined by RSA 175:1, VIII, LXIV-a, LXVIII, and LXIX.

Source. (See Revision Note at part Heading for Liq 706) #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04 (from Liq 706.17)

Liq 706.14 Retail Table Wine License. In addition to the requirements of Liq 706.01, each applicant for a retail table wine license shall provide the following information on form LE-1 to the commission:

- (a) Acknowledgment that the applicant shall not carry on the business as an agent for another;
- (b) Information as to whether an applicant is either directly or indirectly owned by any other person;
- (c) Acknowledgment that no manufacturer, vendor, or representative of wine has a financial interest in the business of the applicant;
- (d) Acknowledgment that the business of the applicant is not being conducted with any money or equipment, furniture or property rented from a wine manufacturer, vendor, or representative or salesperson;

- (e) Acknowledgment by the applicant that his licensee fee shall be based on the number of cash registers on the premises;
- (f) The number of cash registers on the premises;
- (g) If the applicant transports wine in a vehicle, acknowledgment that each vehicle transporting wine shall carry a copy of the license when transporting wine; and
- (h) Acknowledgment that the applicant shall only sell wine as defined by RSA 175:1, LXIX and LXVIII.

Source. (See Revision Note at part Heading for Liq 706) #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04 (from Liq 706.18)

Liq 706.15 Bed & Breakfast License. In addition to the requirements of Liq 706.01, each applicant for a bed and breakfast license shall provide the following information on form LE-1 to the commission:

- (a) For an on sale license issued pursuant to RSA 178:20, I and RSA 178:21, II(c):
 - (1) Whether the establishment provides food and lodging for guests;
 - (2) Whether the posted room rates include breakfast;
 - (3) Whether the establishment has at least 4 rentable rooms;
 - (4) The number of rentable rooms;
 - (5) Whether the applicant has a dining area and suitable cooking facilities connected therewith capable of accommodating the maximum number of registered guests;
 - (6) Whether the establishment is the primary residence of the applicant, owner or operator; and
 - (7) Whether public toilet facilities are available for the use of the patrons which meet the provisions of RSA 143-A.
- (b) For an on sale license issued pursuant to RSA 178:21, II(c):
 - (1) Acknowledgment by the applicant that he shall only sell liquor to guests with meals in the dining room or in the rooms of guests; and
 - (2) Acknowledgment by the applicant that he may sell liquor and beverage by the bottle which shall be delivered to the room of registered guests at a price which is not below the licensee's cost.

Source. (See Revision Note at part Heading for Liq 706) #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04 (from Liq 706.19)

Liq 706.16 State Fair License. In addition to the requirements of Liq 706.01, each applicant for a state fair license shall provide the following information on a form to the commission:

- (a) Whether public toilet facilities are available for use at the site to be licensed which meet the provisions of RSA 143-A;
- (b) The seating capacity of the area proposed for the service and consumption of beverage and wine;
- (c) Acknowledgment that the applicant is a member of the New Hampshire Fair Association;
- (d) The dates the fair shall be in operation;
- (e) Acknowledgment by the applicant that they shall sell beverage and beer as defined by RSA 175:1 and wine containing not more than 24% alcohol by volume by the glass or bottle with the cork or cap removed;
- (f) Acknowledgment that the applicant understands that all service of beverage, beer, and wine shall be limited to those areas approved by the commission meeting the criteria of Liq 707.11(e)(12); and
- (g) Acknowledgment by the applicant that each proposed location shall be licensed separately.

Source. (See Revision Note at part Heading for Liq 706) #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04 (from Liq 706.20)

Liq 706.17 Airport License. In addition to the requirements of Liq 706.01, each applicant for an airport license shall provide the following information on form LE-1 to the commission:

- (a) Whether the applicant is the owner or designee;
- (b) The name and address of the owner-operator of the airport;
- (c) Whether public toilet facilities are available for the use of the patrons which meet the provisions of RSA 143-A;
- (d) The seating capacity of the cocktail lounge as defined by RSA 175:1, XXIII;
- (e) A brief description of the premises proposed for licensing; and
- (f) Acknowledgement that no person under 18 years of age shall be allowed on the licensed premises except when accompanied by parent or guardian.

Source. (See Revision Note at part Heading for Liq 706) #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04 (from Liq 706.21)

Liq 706.18 Alpine Slide License. In addition to the requirements of Liq 706.01, each applicant for an alpine slide license shall provide the following information on form LE-1 to the commission:

- (a) Whether the applicant is the operator or designee of the alpine slide recreational facility;
- (b) The name and address of the operator, if other than the applicant;
- (c) Which passenger tramway device the area is equipped with as defined by RSA 225:A-2 and required by RSA 175:1, LXVI;
- (d) The seating capacity of the cocktail lounge as defined by RSA 175:1, XXIII;
- (e) A brief description of the premises proposed for licensing;
- (f) Acknowledgment by the applicant that all liquor and beverages served shall be those sold by the applicant;
- (g) Whether public toilet facilities are available for the use of the patrons which meet the provisions of RSA 143-A; and
- (h) Acknowledgement that no person under 18 years of age shall be allowed on the licensed premises except when accompanied by parent or guardian.

Source. (See Revision Note at part Heading for Liq 706) #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04 (from Liq 706.22)

Liq 706.19 Ballroom License. In addition to the requirements of Liq 706.01, each applicant for a ballroom license shall provide the following information on form LE-1 to the commission:

- (a) Whether public toilet facilities are available for the use of the patrons which meet the requirements of RSA 143-A;
- (b) The seating capacity of the ballroom;
- (c) Acknowledgment by the applicant that seating for at least 500 patrons shall be available at all times;
- (d) A brief description of the building housing the ballroom;
- (e) Acknowledgment by applicant that the ballroom license is predicated on the fact that said applicant provides "live" entertainment as defined by RSA 175:1, XLVII and meeting the requirements of RSA 179:19; and
- (f) Acknowledgement that no person under 18 years of age shall be allowed on the licensed premises when alcohol is being served except when accompanied by parent or guardian.

Source. (See Revision Note at part Heading for Liq 706) #5289, eff 1-1-92; ss by

#6391, eff 11-28-96; ss by #8138, eff 8-13-04 (from Liq 706.23)

Liq 706.20 Bowling Facility License. In addition to the requirements of Liq 706.01, each applicant for a bowling facility license shall provide the following information on form LE-1 to the commission:

- (a) Whether public toilet facilities are available for the use of the patrons which meet the provisions of RSA 143-A;
- (b) The seating capacity of the room(s) proposed for the service of alcoholic beverages;
- (c) Whether the applicant is the owner or designee of the bowling facility;
- (d) The owner's name if other than the applicant;
- (e) The number of alleys in operation;
- (f) Acknowledgment by the applicant that at least 6 bowling alleys shall be in operation in order for the bowling facility license to remain in effect;
- (g) Acknowledgement that no person under 18 years of age shall be allowed on the licensed premises except when accompanied by parent or guardian; and
- (h) Acknowledgement that the lounge area must be freely accessible to patrons of the bowling lanes at all times the lounge is open.

Source. (See Revision Note at part Heading for Liq 706) #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04 (from Liq 706.24)

Liq 706.21 Caterer License-On-Site. In addition to the requirements of Liq 706.01, each applicant for a caterer license shall provide the following information on form LE-1 to the commission:

- (a) Acknowledgment that the applicant shall maintain permanent on-site kitchen and dining room facilities;
- (b) Whether the applicant prepares, cooks and serves the food for the caterer's facility;
- (c) Name and address of the food service if other than the applicant;
- (d) Acknowledgment that the applicant shall notify the commission at least 5 days before the date of any scheduled event at which he will be serving alcoholic beverages;
- (e) Acknowledgment that at least 50% of combined food, liquor and beverage sales shall fall in the category of food unless the applicant receives over \$100,000 in annual food sales;
- (f) Acknowledgment that the applicant maintains and operates a dining room seating at least 100 persons;
- (g) The seating capacity of the main dining room;
- (h) Seating capacity of additional dining room(s);
- (i) Whether public toilet facilities are available for the use of the patrons which meet the provisions of RSA 143-A;
- (j) Acknowledgment that a caterer's supplemental license entitles them to serve liquor and beverage with food to the public on specific dates;
- (k) Acknowledgment that the applicant shall notify the commission at least 5 days prior to use of the supplemental license; and
- (l) Acknowledgment that the applicant shall not simultaneously serve the public and private groups unless the applicant has a separate rental hall on the licensed premises.

Source. (See Revision Note at part Heading for Liq 706) #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04 (from Liq 706.25)

Liq 706.22 Caterer License Off-Site. In addition to the requirements of Liq 706.01, each applicant for an off-site caterer license shall provide the following information on form LE-1 to the commission:

- (a) Whether the applicant is the holder of a full service hotel, full service restaurant, or convention center license or operates an off-site catering service;
- (b) Acknowledgment that the applicant understands that they shall be licensed as a full service hotel, full service restaurant, or convention center to hold an off-site caterers license;
- (c) Acknowledgment by the applicant that liquor or beverage shall only be sold to the members of a private group as defined by RSA 175:1, LIV-a;
- (d) Acknowledgment that the licensee shall sell liquor and beverage only in public buildings as defined by RSA 175:1, LV-a;
- (e) Acknowledgment that 2 rest room facilities shall be available at each site which meet the provisions or RSA 143-A;
- (f) Acknowledgment that the applicant prepares, cooks and serves the food for the caterer's facility unless the applicant is an off site catering service;
- (g) Acknowledgment that the licensee agrees to notify the commission in writing no less than 5 business days before the date of any scheduled event at which they will be selling alcoholic beverage or liquor;
- (h) The name of the building, address, and seating capacity for each room where alcoholic beverages shall be served for each approved off-site location;
- (i) Acknowledgment by the applicant that the area investigator shall be contacted prior to adding additional off-premise sites as required by RSA 178:22, V(e)(2) for site approval;
- (j) Acknowledgment that the holder of an off-site caterer's license who wishes to apply for any additional site shall apply no less than 10 business days prior to the event as required by RSA 178:20, V(e)(2); and
- (k) Acknowledgment that for each location not previously licensed the licensee shall furnish the following information on or attached to a form to be provided by the commission:
 - (1) Name of applicant and date of the event;
 - (2) Trade name, phone number, and business address;
 - (3) Name and/or type of group catered to;
 - (4) Name phone number, and address of building of off site location;
 - (5) Seating capacity of building;
 - (6) Name and address of owner of building;
 - (7) Proof of ownership or rental agreement;
 - (8) Whether the site is permanent or temporary;
 - (9) Type of entertainment, if any, and whether city/town approval has been obtained;
 - (10) Permit of assembly from state or local fire authorities if required; and
 - (11) Health department certificate by state or local officials, if required.

Source. (See Revision Note at part Heading for Liq 706) #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04 (from Liq 706.26)

Liq 706.23 College Club License. In addition to the requirements of Liq 706.01, each applicant for a college club license shall provide the following information on form LE-1 to the commission:

- (a) Whether the applicant is an accredited college or university;
- (b) The membership of the club on January 1st for the 2 years preceding date of application;
- (c) Acknowledgment that no manufacturer or wholesaler of beverage has given, sold or loaned any fixtures or

equipment with which the club conducts its business;

- (d) The length of time the club has been in continuous existence;
- (e) Whether toilet facilities are available for the use of the patrons which meet the provisions of RSA 143-A;
- (f) The seating capacity of the club room;
- (g) The number of additional club rooms;
- (h) The seating capacity of each additional club room; and
- (i) Acknowledgement that no person under 18 years of age shall be allowed on the licensed premises except when accompanied by parent or guardian.

Source. (See Revision Note at part Heading for Liq 706) #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04 (from Liq 706.27)

Liq 706.24 Military Club License. In addition to the requirements of Liq 706.01, each applicant for a military club license shall provide the following information on form LE-1 to the commission:

- (a) The membership of the club on January 1st for the 2 years preceding date of application;
- (b) How many members of the club are members of the National Guard;
- (c) Whether the members have a right to run for office and vote in the club's affairs;
- (d) Whether toilet facilities are available for the use of the patrons which meet the provisions of RSA 143-A;
- (e) The total seating capacity of the cocktail lounge;
- (f) A description of the room(s) to be licensed;
- (g) Acknowledgment that no beverage or liquor shall be sold for consumption off the premises;
- (h) Acknowledgment that the applicant shall be under the control of the director of the Army National Guard and subject to inspection by the N.H. state liquor commission; and
- (i) Acknowledgement that no person under 18 years of age shall be allowed on the licensed premises except when accompanied by parent or guardian.

Source. (See Revision Note at part Heading for Liq 706) #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04 (from Liq 706.28)

Liq 706.25 Veterans and Social Club Cocktail Lounge License. In addition to the requirements of Liq 706.01, each applicant for a veteran's or social club license shall provide the following information on form LE-1 to the commission:

- (a) The membership of the club on January 1st for the 2 years preceding date of application;
- (b) Acknowledgment that all the club property belongs to all club members;
- (c) Acknowledgment that all the club members have the right to vote and run for office;
- (d) Acknowledgment that no manufacturer or wholesaler of beverage or liquor has given, sold or loaned any fixtures or equipment with which the club can conduct its business;
- (e) The length of time the club has been in continuous existence;
- (f) Acknowledgment by the applicant that it shall file a monthly report with the commission prior to the 10th of the following month;
- (g) Whether toilet facilities are available for the use of the patrons which meet the provisions of RSA 143-A;
- (h) The total seating capacity of the club room;
- (i) Number of additional rooms;

- (j) Capacity of the additional rooms;
- (k) Acknowledgment that the club is registered with the N. H. secretary of state and/or the Internal Revenue Service as a non-profit organization and the expiration date of their non-profit status;
- (l) Whether the applicant has a rental hall, meeting the requirements of Liq 501.13, licensed by the commission and its seating capacity;
- (m) Whether the applicant desires a supplemental license for sale of beverage and liquor to private groups; and
- (n) Acknowledgement that no person under 18 years of age shall be allowed on the licensed premises except during the time a supplemental license is in effect.

Source. (See Revision Note at part Heading for Liq 706) #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04 (from Liq 706.29)

Liq 706.26 Convention Center License. In addition to the requirements of Liq 706.01, each applicant for a convention center license shall provide the following information on form LE-1 to the commission:

- (a) Acknowledgment that the convention center rooms seat a minimum of 600 persons;
- (b) Acknowledgment that the public dining room as defined by RSA 175:1, XXVI seats at least 175 persons;
- (c) Acknowledgment that the cocktail lounge as defined by RSA 175:1, XXIII seats at least 200 persons as required by RSA 175:1, XXVI;
- (d) Whether public toilet facilities are available for the use of the patrons which meet the provisions of RSA 143-A;
- (e) The seating capacity of the main dining room;
- (f) The seating capacity of any additional dining rooms;
- (g) The seating capacity of the cocktail lounge(s); and
- (h) The seating capacity of the convention rooms.

Source. (See Revision Note at part Heading for Liq 706) #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04 (from Liq 706.30)

Liq 706.27 Golf Facility License. In addition to the requirements of Liq 706.01, each applicant for a golf facility license shall provide the following information on form LE-1 to the commission:

- (a) The number of holes in operation on the applicant's course;
- (b) Acknowledgment that the course averages at least 1000 yards per 9 holes;
- (c) A description of the premise to be licensed;
- (d) Whether toilet facilities are available for the use of the patrons which meet the provisions of RSA 143-A;
- (e) The seating capacity of the cocktail lounge; and
- (f) Acknowledgement that no person under 18 years of age shall be allowed on the licensed premises except when accompanied by parent or guardian.

Source. (See Revision Note at part Heading for Liq 706) #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04 (from Liq 706.31)

Liq 706.28 Hotel License. In addition to the requirements of Liq 706.01, each applicant for hotel license or a hotel lounge license shall provide the following information on form LE-1 to the commission:

- (a) Whether public toilet facilities are available for the use of the patrons which meet the provisions of RSA 143-A;
- (b) Acknowledgment that the applicant prepares, cooks, and serves the food for the restaurant;

- (c) Acknowledgment that the applicant shall at all times maintain a dining room or rooms with seating for at least 20 persons;
- (d) The number of additional dining rooms;
- (e) The seating capacities of the dining rooms;
- (f) The number of sleeping units containing private bath facilities;
- (g) The total number of rental units;
- (h) The seating capacity of the cocktail lounge; and
- (i) Acknowledgment by the applicant that all beverage and liquor sold by the applicant shall be consumed in licensed areas or in the rented rooms.

Source. (See Revision Note at part Heading for Liq 706) #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04 (from Liq 706.32)

Liq 706:29 One-Day Licenses. In addition to the requirements of Liq 706.01, each applicant for a special day license shall:

- (a) Provide a certificate of attendance at a commission management training seminar within 12 months prior to the effective date of the license; and
- (b) Provide the following information on form LE-1 to the commission:
 - (1) Date(s) for which the license is desired;
 - (2) Whether the premise is owned or rented;
 - (3) A description of the organization, its functions, the amount of funds it raised in the preceeding year, and how such funds have been disbursed;
 - (4) The length of time the organization has been in existence;
 - (5) The number of members of the organization on the date of application;
 - (6) The number of members and guests expected at the licensed affair;
 - (7) The name of the person who shall be in charge of the premises;
 - (8) A list of all persons, their addresses and date and place of birth to be employed with or without compensation that will be serving alcoholic beverages;
 - (9) Acknowledgment by the applicant that no person shall be paid on the basis of the amount of alcoholic beverages sold;
 - (10) Acknowledgment by the applicant that all beverages shall be purchased from holders of a wholesale distributor's license in New Hampshire and that all liquor shall be purchased from the commission;
 - (11) Acknowledgment by the applicant that the commission or its investigators may enter the premises when beverage and/or liquor are being served or consumed;
 - (12) A description of the premise to be licensed;
 - (13) The address of the premises to be licensed;
 - (14) The owner of the premises to be licensed;
 - (15) The name and address of the person applying for the license for the applicant;
 - (16) Signature of the chief of police of the town in which the event will be held;
 - (17) Signature of the chief of the fire department of the town in which the event will be held; and

(18) Signature of the local health official of the town in which the event will be held.

Source. (See Revision Note at part Heading for Liq 706) #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04 (from Liq 706.33)

Liq 706.30 Performing Arts Facility License. In addition to the requirements of Liq 706.01, each applicant for a performing arts facility license shall provide the following information on form LE-1 to the commission:

- (a) Acknowledgment by the applicant that the performing arts center is not operated for any individual's pecuniary gain;
- (b) Acknowledgment that the applicant is registered as a nonprofit facility with the NH secretary of state and/or the Internal Revenue Service;
- (c) The seating capacity of the facility;
- (d) Whether toilet facilities are available for the use of the patrons which meet the provisions of RSA 143-A;
- (e) The seating capacity of the cocktail lounge;
- (f) A brief description of the lounge facility and the licensed areas pursuant to RSA 178:21, I in which alcoholic beverages will be sold and consumed; and
- (g) Acknowledgement that no person under 18 years of age shall be allowed in the licensed area when alcohol is being served except when accompanied by parent or guardian.

Source. (See Revision Note at part Heading for Liq 706) #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04 (from Liq 706.34)

Liq 706.31 Pari-mutuel and Commercial Motor Vehicle Race Track License.

(a) In addition to the requirements of Liq 706.01, each applicant for a pari-mutuel race track license shall provide the following information on form LE-1 to the commission:

- (1) The name and address of the operator of the track facility;
- (2) The name of the racing commission that licenses the pari-mutuel operation;
- (3) The number of areas within the race track facility that the applicant proposes to be approved for the service and consumption of alcoholic beverages;
- (4) A listing of each of these areas together with a brief description of the areas and the seating capacity;
- (5) Acknowledgment by the applicant that food shall be available for patrons;
- (6) Acknowledgement that no person under 18 years of age shall be allowed in any area licensed for sales or consumption of alcohol except when accompanied by parent or guardian;
- (7) Acknowledgment by the applicant that all alcoholic beverages sold on the licensed premises shall be consumed within the licensed areas of the track facility; and
- (8) Whether public toilet facilities are available for the use of the patrons which meet the provisions of RSA 143-A.

(b) In addition to the requirements of Liq 706.01, each applicant for a commercial motor vehicle race track license shall provide the following information on form LE-1 to the commission:

- (1) The name and address of the operator of the track facility;
- (2) The length of the motor vehicle race track;
- (3) Acknowledgment that the commercial motor vehicle race track shall be paved;
- (4) The number of areas within the race track facility that the applicant proposes to be approved for the service and consumption of alcoholic beverages;

- (5) A listing of each of these areas together with a brief description of the areas and the seating capacity;
- (6) Acknowledgment by the applicant that food shall be available for patrons;
- (7) Acknowledgment by the applicant that all alcoholic beverages sold on the licensed premises shall be consumed within the licensed areas of the track facility;
- (8) Whether public toilet facilities are available for the use of the patrons which meet the provisions of RSA 143-A;
- (9) Whether the applicant wishes to be licensed for beverage only pursuant to RSA 178:22, V(n)(2); and
- (10) If the applicant chooses to be licensed for beverage only, acknowledgment by the applicant licensed that:
 - a. Beverage service facilities shall be located only in licensed areas;
 - b. Up to 2 containers of beverage at a time may be served per patron provided any limitations of RSA 179:39, I are met; and
 - c. Beverages may be carried to and consumed only in licensed areas.

Source. (See Revision Note at part Heading for Liq 706) #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04 (from Liq 706.35)

Liq 706.32 Racquet Sports Facility Licenses. In addition to the requirements of Liq 706.01, each applicant for a racquet sports facility license shall provide the following information on form LE-1 to the commission:

- (a) Whether toilet facilities are available for the use of the patrons which meet the provisions of RSA 143-A;
- (b) The number of regulation size tennis or racquet courts or curling links available for patron use;
- (c) Acknowledgement that no person under 18 years of age shall be allowed on the licensed area of the premises except when accompanied by parent or guardian; and.
- (d) The seating capacity of the lounge.

Source. (See Revision Note at part Heading for Liq 706) #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04 (from Liq 706.36)

Liq 706.33 Dining Car or Rail Car License. In addition to the requirements of Liq 706.01, each applicant for a dining or rail car license shall provide the following information on form LE-1 to the commission:

- (a) For an on-sale license issued pursuant to RSA 178:20, II - RSA 178:21, II and RSA 178:22, V(p):
 - (1) Whether the applicant is a railroad, or car corporation, or its designee for the dining or rail car license;
 - (2) If a designee, the name and address of the owner of the dining or rail car;
 - (3) Acknowledgment by the applicant that the dining or rail car to be licensed shall be attached to a train operating for the transportation of passengers upon a regular or special schedule;
 - (4) Whether the premises meet the requirements of the N.H. department of transportation or federal authority and have a current certificate or license;
 - (5) Whether the applicant is applying for beverage and wine, beverage and liquor dining car license, or a rail car lounge license; and
 - (6) Whether toilet facilities are available for the use of the patrons which meet the provisions of RSA 143-A.
- (b) For an on-sale dining car license issued pursuant to RSA 178:20, II and RSA 178:21, II:
 - (1) Acknowledgment by the applicant that they shall have facilities to cook and serve meals to passengers meeting the requirement of RSA 143-A; and
 - (2) The seating capacity of the dining car(s).

(c) For an on-sale dining car license issued pursuant to RSA 178:21, II, acknowledgment that the applicant shall be a full service restaurant to be licensed pursuant to this section.

(d) For an on-sale rail car license issued pursuant to RSA 178:22, V(p):

- (1) Acknowledgment that the applicant for a rail car license shall maintain a cocktail lounge as defined by RSA 175:1, XXIII;
- (2) Acknowledgement that no person under 18 years of age shall be allowed on the licensed premises except when accompanied by parent or guardian; and
- (3) The seating capacity of the rail car(s) as defined by RSA 175:1, LVIII.

Source. (See Revision Note at part Heading for Liq 706) #5289, eff 1-1-92; ss by #6391, eff 11-28-96; amd by #7551, INTERIM, eff 9-9-01, EXPIRED: 3-8-02

New. #7668, eff 3-29-02; ss by #8138, eff 8-13-04 (from Liq 706.37)

Liq 706.34 Restaurant and Related Licenses. In addition to the requirements of Liq 706.01, each applicant for a restaurant license or a lounge license shall provide the following information on form LE-1 to the commission:

(a) If the application is for a restaurant licensed under RSA 178:20, II:

- (1) Acknowledgment that the applicant prepares, cooks and serves the food for the restaurant;
- (2) Whether the kitchen facility can properly service the licensed dining room(s);
- (3) Whether public toilet facilities are available for the use of the patrons which meet the provisions of RSA 143-A;
- (4) Acknowledgment that the applicant shall at all times maintain a dining room or rooms with seating for at least 20 persons;
- (5) The number of dining rooms;
- (6) The capacity of the dining rooms;
- (7) Acknowledgment that the applicant shall sell beverage or liquor or table wine containing not more than 24% alcohol by volume at 60 degrees fahrenheit; and
- (8) Acknowledgment by the applicant that all liquor and beverage consumed on the premises shall be those sold by the licensee; and
- (9) Acknowledgment by the applicant that all liquor and beverage shall only be sold in licensed dining rooms at such times as meals are available, promoted, and served in those rooms.

(b) If application is also for a full service restaurant licensed under RSA 178:21, II(a) or (b):

- (1) Acknowledgment that the kitchen facility can service the licensed dining areas as a full service restaurant;
- (2) Acknowledgment that the applicant shall at all times maintain a dining room or rooms with seating for at least 20 persons; and
- (3) The location of the service bar as defined by RSA 175:1, LXI.

(c) If the application is also for a cocktail lounge license the seating capacity of the lounge; and

(d) Acknowledgement that no person under 18 years of age shall be allowed in the area licensed as the cocktail lounge except when accompanied by parent or guardian.

Source. (See Revision Note at part Heading for Liq 706) #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04 (from Liq 706.38)

Liq 706.35 Ski Facility License. In addition to the requirements of Liq 706.01, each applicant for a ski facility license shall provide the following information on form LE-1 to the commission:

- (a) Whether the applicant is the operator of the ski area;
- (b) The name and address of the operator if other than the applicant;
- (c) If the application is for:
 - (1) A downhill ski area, the passenger tramway device as defined by RSA 225:A-2 that the area is equipped with as required by RSA 175:1, LXIV; or
 - (2) A cross country ski facility, the number of kilometers of cross country trails maintained for skiing.
- (d) Whether public toilet facilities are available for the use of the patrons which meet the provisions of RSA 143-A;
- (e) The seating capacity of the cocktail lounge;
- (f) Acknowledgement that no person under 18 years of age shall be allowed on the licensed premises except when accompanied by parent or guardian; and
- (g) A brief description of the premises proposed for licensing.

Source. (See Revision Note at part Heading for Liq 706) #5289, eff 1-1-92; ss by #5641, eff 6-22-93; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04 (from Liq 706.39)

Liq 706.36 Vessel License. In addition to the requirements of Liq 706.01, each applicant for a vessel license shall provide the following information on form LE-1 to the commission:

- (a) Each applicant for a license under RSA 178:20, II or RSA 178:21, II(e) shall submit the following information:
 - (1) The name of the vessel;
 - (2) The name and address of the owner of the vessel if other than the applicant;
 - (3) Whether toilet facilities are available for the use of the patrons which meet the provisions of RSA 143-A;
 - (4) The seating capacity of the areas to be licensed;
 - (5) Whether the vessel meets the requirements of RSA 143-A for food service;
 - (6) Whether the vessel, if operating in inland waterways, has a current operating certificate issued by the New Hampshire department of safety; and
 - (7) Whether the vessel is certified by the United State Coast Guard if operating out of a seaport.
- (b) In addition to the above, if the application is for a cocktail lounge license issued pursuant to RSA 178:22, V(s)(1) (A):
 - (1) A description of the areas to be licensed as a cocktail lounge;
 - (2) Acknowledgement that no person under 18 years of age shall be allowed in the licensed area(s) except when accompanied by parent or guardian; and
 - (3) Their seating capacity.
- (c) Each applicant for a license under RSA 178:22, V(s)(2) shall submit the following information:
 - (1) The name and address of the owner of the airship(s) if other than the applicant;
 - (2) Whether the aircraft has a current operating certificate issued by the Federal Aviation Administration; and
 - (3) Whether the owner or operator is a licensed air carrier operating out of an airport in NH.

Source. (See Revision Note at part Heading for Liq 706) #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04 (from Liq 706.40)

Liq 706.37 Agency Store License. In addition to the requirements of Liq 706.01, each applicant for an agency store license shall provide the following information in addition to or on form LE-1 to the commission:

- (a) Each applicant for licensure under RSA 177:9 shall submit the following information on form LE-1:
 - (1) The type of retail business they have operated during the past 3 years to fulfill the requirements of Liq 508.16 (a)(3);
 - (2) The town/city in which the applicant(s) or corporate officers are residents;
 - (3) The type of business proposed for licensure;
 - (4) The dollar amount of the annual gross sales for the business;
 - (5) Whether the applicant has been convicted of a misdemeanor or felony crime; and
 - (6) A list of any crimes and the court where the applicant was convicted.
- (b) In addition to the requirements on form LE-1, the applicant shall provide:
 - (1) A financial statement from a credit company or bank providing a copy of the applicant's credit standing;
 - (2) Letters of recommendation from 3 N.H. residents indicating the reliability of the applicant's customer service record in the community; and
 - (3) Any photographs of the business or other representation or other documentation that the applicant wants the commission to consider in the selection process.

Source. (See Revision Note at part Heading for Liq 706) #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04 (from Liq 706.41)

Liq 706.38 Brew Pub License. In addition to the requirements of Liq 706.01, each applicant for a brew pub license shall provide the following information on form LE-1 to the commission:

- (a) Whether the plant and equipment is owned by the applicant;
- (b) A detailed description of the types of beer to be manufactured;
- (c) The trade names of all beers manufactured in the state;
- (d) Acknowledgment that the applicant shall manufacture no beer which exceeds the percentage of alcohol allowed by law;
- (e) Acknowledgment that the applicant shall manufacture no more than 2500 barrels of beer annually;
- (f) Acknowledgment that the applicant shall have all beers they manufacture approved by the commission pursuant to RSA 179:33, I and II and Liq 506.09 prior to their sale;
- (g) Acknowledgment that the applicant agrees to furnish required production reports pursuant to Liq 506.15;
- (h) Acknowledgment that the applicant has no financial or other interest, direct or indirect, in any wholesale distributor licensee in the state;
- (i) Acknowledgment that the applicant holds a permit issued by the United States, and the type;
- (j) Acknowledgment that the applicant shall only sell in this state beers manufactured by them directly to the public for on-or off-sale consumption, to holders of wholesale distributor licenses pursuant to the provisions of RSA 180, or to out of state entities;
- (k) Acknowledgment that prior to the 10th of the month, the applicant shall furnish reports to the commission on forms prescribed by the commission showing the quantity of beer manufactured and sold to or returned from NH wholesalers during the previous month, as well as all fees required by RSA 178:26, I;
- (l) The names and addresses of all wholesale distributors with whom the brew pub is doing business in New Hampshire;

- (m) Acknowledgment that the restaurant facilities of the brew pub meets the requirements for a full service restaurant;
- (n) Acknowledgment that the applicant prepares, cooks and serves the food for the restaurant;
- (o) Whether the kitchen facility can properly service at least 20 patrons in the dining room;
- (p) Whether toilet facilities are available for the use of the patrons which they meet the provisions of RSA 143-A;
- (q) Acknowledgment that the applicant shall at all times maintain a dining room or rooms with seating for at least 20 persons;
- (r) The seating capacity of the dining room(s) and cocktail lounge;
- (s) Acknowledgment by the applicant that all liquor and beverages consumed on the premises shall be those sold by the licensee; and
- (t) The location of the service bar as defined by RSA 175:1, LXI.

Source. (See Revision Note at part Heading for Liq 706) #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04 (from Liq 706.42)

Liq 706.39 Billiards/Pool Hall License. In addition to the requirements of Liq 706.01, each applicant for a billiards/pool hall license shall provide the following information on form LE-1 to the commission:

- (a) Whether public toilet facilities are available for the use of the patrons and whether they meet the provisions of RSA 143-A;
- (b) The seating capacity of the cocktail lounge;
- (c) Whether the applicant is the owner or designee of the billiard/pool hall;
- (d) The owner's name and address if other than the applicant;
- (e) Acknowledgment by the applicant that they maintain regulation sized tables which are 2 times longer than they are wide as follows:
 - (1) Pool tables, at least 3.5 feet by 7 feet;
 - (2) Snooker tables, at least 6 feet by 12 feet;
 - (3) Pocket billiard tables, at least 4.5 feet by 9 feet; and
 - (4) Billiard tables, at least 5 feet by 10 feet.
- (f) The number of non-coin operated, regulation size pocket billiard, billiard, snooker, or pool tables available to the public; and
- (g) Acknowledgment by the applicant that he or she shall maintain at least 12 non-coin operated, regulation size pocket billiard, billiard, snooker, or pool tables, or any combination thereof available to the public in the licensed area at all times the facility is open in order for the liquor license to remain in effect;
- (h) Acknowledgement that no person under 18 years of age shall be allowed on the licensed premises except when accompanied by parent or guardian; and
- (i) Acknowledgement that the lounge shall be open to patrons of the pool hall without charge.

Source. (See Revision Note at part Heading for Liq 706) #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04 (from Liq 706.43)

PART Liq 707 PHYSICAL REQUIREMENTS REQUIRED FOR NEW OR RENEWAL APPLICATIONS FOR LICENSES

Liq 707.01 Liquor/Rectifier Manufacturer's Requirements.

- (a) Applicants for a liquor or rectifier manufacturer license shall have a securable premise located within the boundaries of New Hampshire capable of manufacturing the products to be sold according to any laws or rules provided pursuant to RSA
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143-A.

(b) Each manufacturer or rectifier shall have an office located on the premises where receiving reports, shipping papers, packing slips, shipping reports and other related records for the business shall be stored for all transactions of the liquor manufacturer or rectifier.

Source. #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04
(from Liq 706.16)

Liq 707.02 Liquor/Wine/Beverage Warehouse Requirements.

(a) Applicants for a liquor/wine/beverage warehouse license shall have a securable warehouse facility located within the state of New Hampshire.

(b) Each warehouse shall be equipped with loading docks or other arrangements to facilitate the loading or unloading of stock.

(c) Each warehouse shall be equipped at their own expense with a computer inventory control system capable of interfacing with the commission's computer system.

(d) Each warehouse shall have an office located on the premises where receiving reports, shipping papers, packing slips, shipping reports and other related records for the business shall be stored for all transactions of the warehouse.

Source. #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04

Liq 707.03 Wine Manufacturer Requirements.

(a) Applicants for a wine manufacturer license shall have a securable premise located within the boundaries of New Hampshire capable of manufacturing the products to be sold according to any laws or rules provided pursuant to RSA 143-A.

(b) Each wine manufacturer shall have an office located on the premises where receiving reports, shipping papers, packing slips, shipping reports and other related records for the business shall be stored for all transactions of the wine manufacturer.

(c) Each wine manufacturer shall have a separate, securable room for storage.

(d) Each wine manufacturer wishing to conduct a tasting on their premises shall have a room or rooms to conduct the tasting in, which may be the same room as in paragraph (c).

Source. #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04

Liq 707.04 Liquor and Wine Representative Requirements. Each applicant for a liquor and wine representative license shall maintain an office within the state of New Hampshire which shall be the same as its registered agent designated with the New Hampshire secretary of state's office.

Source. #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04

Liq 707.05 Beverage Manufacturer License Requirements.

(a) Applicants for a beverage manufacturer license shall have a securable premise located within the boundaries of New Hampshire capable of manufacturing the products to be sold according to any laws or rules provided pursuant to RSA 143-A.

(b) Each beverage manufacturer shall have an office located on the premises where receiving reports, shipping papers, packing slips, shipping reports and other related records for the business shall be stored for all transactions of the beverage manufacturer.

(c) Applicants for an beverage manufacturer license shall have a securable warehouse facility located within the state of New Hampshire.

(d) A beverage manufacturer's hospitality room shall:

- (1) Be a separate room on the licensed premise with seating accommodations as required by RSA 179:27;
- (2) Have a valid permit of assembly issued by local or state fire authorities; and

- (3) Shall have a valid license issued pursuant to RSA 143-A.

Source. #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04

Liq 707.06 Wholesale Distributor License Requirements.

(a) Applicants for an wholesale distributor license shall have a securable warehouse facility located within the state of New Hampshire.

(b) Each wholesale distributor shall have an office located on the premises where receiving reports, shipping papers, packing slips, shipping reports and other related records for the business shall be stored for all transactions of the wholesale distributor.

(c) Those wholesale distributors wishing to sell case lots of beverages to the public shall maintain a separate room which may be the same as in paragraph (b). This room shall be equipped with a cash register or other computerized billing system for recording sales of beverages under the off-premises provisions of the license.

(d) Any on-sale license issued to a wholesale distributor under the provisions of RSA 178:16, III in the same building shall be a separate securable premises from that of the wholesale distributor's wholesale operation.

- (e) Any on-sale license issued to a wholesale distributor shall meet all requirements for that license type.

Source. #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04

Liq 707.07 Combination License Requirements.

(a) Combination licensees shall have a separate and securable premises with no interior connections to another business or another person's private property as required by RSA 179:48, IV.

(b) Each premises licensed shall have at least one cash register, shelving or other accommodation for retail display and refrigeration for perishable products.

Source. #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04

Liq 707.08 Retail Table Wine License Requirements.

(a) Retail table wine licensees shall have a retail business other than sale of alcoholic beverage or wine in order to qualify for a license.

(b) Retail table wine licensees shall have a separate and securable premises with no interior connections to other businesses as required by RSA 179:48, IV.

- (c) Each premises licensed shall have at least one cash register and shelving or other accommodation for retail display.

(d) On-sale licensees who are licensed under RSA 178:19 III shall maintain a separate room(s) for storage, shelving and display of table wines with at least one cash register.

Source. #5289, eff 1-1-92; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04

Liq 707.09 On-Sale Beverage and Wine License Requirements.

(a) On-sale beverage and wine licensees shall only serve beverage and wine in licensed areas at such times as food is available.

- (b) Bed and breakfasts shall:

(1) Meet the definition of RSA 175:1, VI;

(2) Be licensed pursuant to RSA 143-A, RSA 47:17 or RSA 147:1;

(3) Have rest rooms;

(4) Have dining areas with seating for guests as required by RSA 179:27;

(5) Have hot and cold cooking and preparation areas capable of servicing at least the maximum number of

registered guests at a time;

(6) Have family style or dining areas with wait service capable of seating the maximum number of registered guests at one time;

(7) Have a posted room rate which includes breakfast; and

(8) Have a securable area for the storage of their beverage and wine.

(c) Dining cars meeting the definition of RSA 175:1, XXIX shall have:

(1) Dining areas meeting the provisions of RSA 179:27 and hot and cold food preparation areas capable of servicing at least the maximum capacity of the dining car licensed pursuant to RSA 143-A, RSA 47:17 or RSA 147:1 as applicable;

(2) Wait service provided for the safety of the passengers; and

(3) A securable area for the storage of their beverage and wine.

(d) Vessels meeting the definition of RSA 175:1, LXV shall have:

(1) Areas capable of servicing at least the maximum number of passengers on the vessel at a time licensed pursuant to RSA 143-A, RSA 47:17 or RSA 147:1 as applicable including provisions for cold food consisting of but not limited to:

a. A cold food storage and preparation area; or

b. Cold storage for prepackaged foods; and

(2) A securable area for the storage of their beverage and wine.

(e) Restaurants meeting the definition of RSA 175:1, LIX shall have:

(1) Dining areas meeting the provisions of RSA 179:27 and food service preparation and cooking areas capable of servicing the licensed dining rooms, but never less than 20 patrons at a time licensed pursuant to RSA 143-A, RSA 47:17 or RSA 147:1 as applicable including both hot and cold food preparation areas;

(2) Wait service as an option in cafeteria or self service restaurant operations; and

(3) A securable area for the storage of their beverage and wine.

Source. #5289, eff 1-1-92; ss by #5641, eff 6-22-93; ss by #6391, eff 11-28-96; amd by #7779, eff 10-18-02; ss by #8138, eff 8-13-04

Liq 707.10 On-Sale Beverage and Liquor License Requirements.

(a) On-sale beverage and liquor licensees except vessels shall serve beverage and liquor in dining rooms of full service restaurants as defined by RSA 175:1, XXXIII pursuant to the requirements of RSA 178:20, II(a) using:

(1) Standard metal or plastic flatware;

(2) Glassware or drinking containers other than paper; and

(3) Plates, at such times as full course meals as defined by RSA 175:1, XXXII are being served.

(b) In addition to Liq 707.10(a), bed and breakfasts shall:

(1) Meet the definition of RSA 175:1, VI;

(2) Be licensed pursuant to RSA 143-A, RSA 47:17 or RSA 147:1;

(3) Have rest rooms;

(4) Have dining areas with seating for guests as required by RSA 179:27;

(5) Have hot and cold food preparation areas capable of servicing at least the maximum number of registered

guests at a time;

(6) Have family style or dining areas with wait service capable of seating the maximum number of registered guests at one time;

(7) Have a posted room rate which includes breakfast; and

(8) Have a securable area for the storage of their beverage and liquor.

(c) In addition to Liq 707.10(a), dining cars meeting the definition of RSA 175:1, XXIX shall have:

(1) Dining areas meeting the provisions of RSA 179:27 and food service preparation areas capable of servicing the maximum capacity of the dining car at a time licensed pursuant to RSA 143-A, RSA 47:17 or RSA 147:1 as applicable including both hot and cold food preparation areas;

(2) Wait service provided for the safety of the passengers; and

(3) A securable area for the storage of their beverage and liquor.

(d) Vessels meeting the definition of RSA 175:1, LXV shall have:

(1) Areas capable of servicing at least the maximum number of passengers on the vessel at a time licensed pursuant to RSA 143-A, RSA 47:17 or RSA 147:1 as applicable including provisions for cold food consisting of but not limited to:

a. A cold food preparation and storage area; or

b. Cold storage for prepackaged foods; and

(2) A securable area for the storage of their beverage and liquor.

(e) In addition to Liq 707.10(a), full service restaurants meeting the definition of RSA 175:1, LIX and RSA 175:1, XXXIII shall have:

(1) Dining rooms or function rooms meeting the provisions of RSA 179:27, rest rooms, and both hot and cold food preparation areas capable of servicing at least 20 patrons at a time licensed pursuant to RSA 143-A, RSA 47:17 or RSA 147:1 as applicable;

(2) Wait service provided to the table or other licensed seating area; and

(3) A securable area for the storage of their beverage and liquor.

(f) In addition to Liq 707.10(a), hotels meeting the definition of RSA 175:1, XXXVII with full service restaurants meeting the definition of RSA 175:1, LIX and RSA 175:1, XXXIII shall have:

(1) Dining rooms or function rooms meeting the provisions of RSA 179:27, rest rooms, and both hot and cold food preparation areas capable of servicing at least 20 patrons at a time licensed pursuant to RSA 143-A, RSA 47:17 or RSA 147:1 as applicable;

(2) Wait service provided to the licensed seating areas; and

(3) A securable area for the storage of their beverage and liquor.

Source. #5289, eff 1-1-92; ss by #5641, eff 6-22-93; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04

Liq 707.11 On-Sale Cocktail Lounge Licenses. Except for one day and performing arts facility licenses all applicants for a cocktail lounge license shall:

(a) Have a separate room, or in the case of a vessel, designated areas with seating for passengers, operated for the purpose of serving liquor and beverage without food meeting the definition of RSA 175:1, XXIII with rest room facilities;

(b) Except in the case of a vessel, have a fully equipped service bar as defined by RSA 175:1, LXI with room for display of stock and the preparation, refrigeration and service of liquor and beverages licensed pursuant to RSA 143-A, RSA 47:17 or RSA 147:1 as applicable;

- (c) Be independently securable or shall have a securable area for the storage of beverage and liquor;
- (d) In addition to the requirements of 707.11(a) through (c):
 - (1) The holder of an airport cocktail lounge license shall have:
 - a. A public airport facility as defined by RSA 175:1, II;
 - b. A securable premise in a building open to the public in which the cocktail lounge shall be housed; and
 - c. Facilities for the preparation of food and coffee;
 - (2) The holder of an alpine slide cocktail lounge license shall have:
 - a. A public alpine slide facility as defined by RSA 175:1, IV whose passenger tramway device is currently registered by the New Hampshire passenger tramway safety board; and
 - b. A securable premise in a building open to the public in which the cocktail lounge shall be housed;
 - (3) The holder of a ballroom cocktail lounge license shall have:
 - a. A securable premise in a building open to the public in which the cocktail lounge shall be housed meeting the definition of RSA 175:1, V;
 - b. A securable room or area for the storage of alcoholic beverages and liquor for those licensees utilizing the provisions of RSA 178:20, V(c)(2) during the times when the privilege is being exercised; and
 - c. A separate room for the service of private groups in addition to the public areas of the ballroom for those ballroom licensees wishing to remain open to the public while serving private groups under a supplemental license issued pursuant to RSA 178:22, V(c)(3);
 - (4) The holder of a bowling facility cocktail lounge license shall have:
 - a. A securable premise in a building open to the public in which the bowling facility as defined by RSA 175:1, XII shall be housed; and
 - b. A separate securable room in the same facility to house the cocktail lounge;
 - (5) The holder of a caterer's cocktail lounge license shall have:
 - a. For an off-site caterer's license, either possession of a convention center cocktail lounge license, a full service restaurant license or a full service hotel license issued by the commission or premises required by RSA 175:1, XV-b; or
 - b. For an on-site caterer's license, a securable premises in a building with permanent kitchen and dining facilities as defined by RSA 175:1, XVI with seating meeting the requirements of RSA 179:27 and the facilities listed below:
 - 1. Kitchen preparation and cooking areas capable of servicing 100 patrons at a time when the food is prepared and cooked on the premises including both hot and cold food preparation areas; and
 - 2. When the food is prepared off the premises by a subcontractor, kitchens shall have a preparation area, refrigeration and warming or holding devices meeting standards required by local or state health departments pursuant to RSA 143-A, RSA 47:17, or RSA 147:1;
 - (6) The holder of a college club cocktail lounge license shall have a securable premise in a building housing the cocktail lounge facility which is under the control or ownership of that accredited college or university;
 - (7) The holder of a military club cocktail lounge license shall have a securable room which is not open to the public, housing the cocktail lounge on the premises of a national guard armory;
 - (8) The holder of a private, veterans or social club cocktail lounge license shall have:
 - a. A secured access, by key, electronic pass, or buzzer system to the premises housing the cocktail lounge

facility open to members and their guests only; and

b. A separate rental hall facility with an entrance and rest rooms and with either a temporary or permanent service bar separate from the social or veterans club cocktail lounge, for those clubs desiring a supplemental club license;

(9) The holder of a convention center cocktail lounge license shall have:

a. A securable premise in a building meeting the definition of RSA 175:1, XXVI; and

b. Permanent non-moveable partitions separating the dining room(s) from the cocktail lounge(s) and other convention rooms;

(10) The holder of a golf facility cocktail lounge license shall have:

a. A golf facility as defined by RSA 175:1, XXXV; and

b. A securable premise in a building on the premises of the golf facility;

(11) The holder of a full service hotel cocktail lounge license shall have permanent non-moveable partitions separating the dining room(s) from the cocktail lounge(s);

(12) The holder of a one day license cocktail lounge license shall have:

a. A public building as defined by RSA 175:1, LV-a which is not the premises of another licensee, but which may be rental facilities meeting the requirements of Liq 501.13(b) on licensed social or veterans club premises;

b. A clearly defined area for service for out door areas fenced so as to delineate exactly what is the lounge area, constructed in such a manner to exclude patrons under age 18 who are not accompanied by a parent or guardian; and

c. A licensed area equipped with at least a portable service bar as defined by RSA 175:1, LXII at such times as beverage or liquor are being served or sold;

(13) The holder of a performing arts facility cocktail lounge license shall have:

a. A performing arts facility as defined by RSA 175:1, LII with audience seating for at least 50 persons; and

b. A securable premise equipped with at least a portable service bar as defined by RSA 175:1, LXII, at such times as beverage or liquor are being served or sold, on the premises of the performing arts facility;

(14) The holder of a race track facility cocktail lounge license shall have:

a. Either a pari-mutuel or commercial motor vehicle racetrack facility as defined in RSA 175:1, LVI;

b. A securable premise in a building on the premises of the race track facility or in the case of a commercial motor vehicle race track facility licensed pursuant to RSA 178:22, V(n)(2) at least one securable beverage service facility and a beverage storage area which are secured when unattended;

c. Food service available to patrons; and

d. All service areas for alcoholic beverages other than the cocktail lounge defined by ropes, barriers or segregated in such a manner as to be clearly defined, with signs stating they are areas where alcoholic beverage service is allowed;

(15) The holder of a racquet sports facility cocktail lounge license shall have:

a. A racquet sports facility as defined in RSA 175:1, LVII; and

b. A securable premise in a building on the premises of the racquet sports facility;

(16) The holder of a rail car cocktail lounge license shall have:

a. A securable rail car as defined in RSA 175:1, LVIII licensed or inspected by the N. H. D.O.T. or other

applicable agency; and

b. The rail car coupled to the train in such a manner as not to require passengers under 18 years of age and unaccompanied by their parent or guardian to be seated or otherwise remain in the cocktail lounge;

(17) The holder of a full service restaurant cocktail lounge license shall have:

a. Permanent non-movable partitions separating the dining room(s) from the cocktail lounge(s); and

b. The cocktail lounge connected to the full service dining room by an interior connection or by a common foyer which is part of the licensed premise;

(18) The holder of a ski area cocktail lounge license shall have:

a. Either a cross country ski facility as defined by RSA 175:1, LXIII or a down hill ski facility as defined by RSA 175:1, LXIV; and

b. A securable premise in a building on the contiguous property of the ski area or immediately adjacent to the property of the ski area;

(19) The holder of a vessel cocktail lounge license shall have:

a. A vessel as defined by RSA 175:1, LXV; and

b. A service bar whether permanent or temporary at such times as beverage or liquor is being served or sold on the vessel; and

(20) The holder of a billiards/pool hall license shall have:

a. A securable premise in a building open to the public in which the billiard/pool hall facility as defined by RSA 175:1, XI-b shall be housed;

b. A securable area(s) in the same building to house the cocktail lounge which shall be either the same area as (a) above or accessible directly from that area; and

c. At least 12 regulation sized non coin operated pool, billiard, pocket billiard, and/or snooker tables or any combination thereof.

Source. #5289, eff 1-1-92; ss by #5641, eff 6-22-93; ss by #6391, eff 11-28-96; ss by #8138, eff 8-13-04

CHAPTER Liq 800 RESERVED

Statutory Authority: RSA 176:14 and 178:5.

Source. #4646, eff 7-6-89; ss by #5043, eff 1-11-91; ss by #6391, eff 11-28-96;
rpld by #8126, eff 7-23-04

CHAPTER Liq 900 LICENSEE CREDIT AND BILLING PROCEDURES

Statutory Authority: RSA 176:14, 178:26 I-V, and 179:57

PART Liq 901 SYSTEM ESTABLISHED

Liq 901.01 Purpose. The purpose of these rules is to set forth the manner in which on premise and off premise licensees are extended credit by the New Hampshire state liquor commission and the procedures taken by the liquor commission for late or non payment of accounts by licensees.

Source. #4720, eff 1-1-90; ss by #5043, eff 1-11-91; ss by #6391, eff 11-28-96

Liq 901.02 Effects of These Rules. Nothing contained herein shall be construed to release a natural or other person from abiding with all applicable laws.

Source. #4720, eff 1-1-90; ss by #5043, eff 1-11-91; ss by #6391, eff 11-28-96

Liq 901.03 Definition of Terms.

(a) "Acceptable credit history" means all accounts with past or current creditors have been paid within terms with no returned checks or payments not promptly corrected.

(b) "Credit reference" means anyone with knowledge of the licensee's financial state and account payment history.

(c) "Late payment" means any payment which is received at the New Hampshire liquor commission main office, or at a New Hampshire liquor store in excess of three days of its due date.

(d) "Trade reference" means any company which has an ongoing credit relationship for business purposes with the licensee, and is willing to discuss the licensee's account history.

(e) "30 day supply" means the highest dollar amount purchased by the licensee in any state fiscal month as defined by Liq 301.03 H during the preceding calendar year.

Source. #4720, eff 1-1-90; ss by #5043, eff 1-11-91; ss by #6391, eff 11-28-96

PART Liq 902 APPLICATION PROCEDURE

Liq 902.01 Application Form.

(a) Any licensee who has not established a credit basis with the commission, and who wishes to utilize a credit order system shall provide, on a form to be provided by the commission, the following:

- (1) Name and billing address of applicant;
- (2) Trade name and address of business;
- (3) Amount of credit requested for all licensed business locations;
- (4) At least 3 credit references with address and phone number of each;
- (5) Principal bank including holder of any mortgage on the establishment;
- (6) At least 3 verifiable trade references with address and phone number of each;
- (7) Name and address of landlord, if licensed business location is rented or leased;
- (8) Indication as to whether business is a sole proprietorship, partnership or corporation;
- (9) Indication as to whether applicant has ever declared bankruptcy, either individually or as principal of a business; and
- (10) Signature of the president or authorized officer of the corporation or owner of the establishment.

(b) In the event a licensee submits an incomplete form, such form shall not be processed. The submitting party shall be notified of how the application is incomplete.

Source. #4720, eff 1-1-90; ss by #5043, eff 1-11-91; ss by #6391, eff 11-28-96; ss by #6974, eff 7-1-99

Liq 902.02 Credit Approval.

(a) Licensees shall be granted credit up to the amount requested on the credit application, not to exceed a 30 day supply, provided that one of the following conditions shall be met:

(1) The licensee has an acceptable credit history of at least 3 years with other vendors in an amount equal to or exceeding the requested limit, as evidenced by credit and trade references; or

(2) The licensee posts a bond or an irrevocable letter of credit from a state or federally recognized financial institution in an amount which covers the requested credit.

(b) Licensees with multiple business locations shall submit a distribution list of credit requested for each business location. A revised distribution list shall be provided as additional locations are added.

(c) A new licensee without a credit history requesting credit who is unable to meet the standards set forth in Liq 902.02(a), shall be granted up to \$1000 credit, for a probationary period of 6 months from the time of the first purchase. At the end of 6 months, the licensee may request an increase to a maximum of \$2500.00 credit, not to exceed a 30 day supply, which shall be granted, providing all accounts have been paid within the 15 day credit period and all payments have cleared without delay due to insufficient funds or through any other fault of the licensee.

(d) A licensee who is granted credit and maintains an acceptable credit history with the commission may, at any time, request additional credit equal to the amount secured in Liq 902.02(a)(1) or Liq 902.02(a)(2). Licensees with multiple-licensed business locations shall provide a distribution list of credit per business location.

(e) Each applicant for credit shall be notified of the disposition of their application within 30 days of the commission's receipt of that application.

Source. #4720, eff 1-1-90; ss by #5043, eff 1-11-91; ss by #6391, eff 11-28-96; ss by #6974, eff 7-1-99

PART Liq 903 BILLING AND PRICING OF ORDERS

Liq 903.01 Pricing. The prevailing price on the date that goods are shipped from a warehouse or picked up at a state liquor store shall be the price of the merchandise.

Source. #4720, eff 1-1-90; ss by #5043, eff 1-11-91; ss by #6391, eff 11-28-96

Liq 903.02 Responsibility of Ownership. Ownership of merchandise shall shift to licensee at the time the merchandise is signed for by the transportation agent at the shipping point, or at the time the merchandise is picked up at a state liquor store by the licensee or their designated agent.

Source. #4720, eff 1-1-90; ss by #5043, eff 1-11-91; ss by #6391, eff 11-28-96

Liq 903.03 Payment Deadlines for Credit Sales. Credit for merchandise shall be extended to qualified licensees for 15 calendar days computed as follows:

(a) For merchandise delivered from warehouses 15 days shall begin on the day the transportation agent signs for the merchandise; and

(b) For merchandise ordered from the New Hampshire State liquor stores, 15 days shall begin on the day the licensee or agent of the licensee takes the merchandise from the store.

Source. #4720, eff 1-1-90; ss by #5043, eff 1-11-91; ss by #6391, eff 11-28-96

PART Liq 904 LATE/NON PAYMENT

Liq 904.01 Operating Conditions Governing Licensees.

(a) Any invoice for merchandise not paid in full under the terms of Liq 903.03 or the return of any payment submitted by a licensee by a bank or other collection agent, shall result in application of the following:

- (1) All sales of liquor and wine to the licensee shall be suspended by the commission until the account is paid;
- (2) Any licensee whose account is thirty days in arrears shall develop a payment plan with the accounts receivable supervisor;
- (3) The payment plan shall consist of at least 2 and no more than 5 equal consecutive weekly payments;
- (4) One total payment on a specified date not more than 60 days after the deadline established in Liq 903.03 shall be allowed under special circumstances which include but are not limited to the following:
 - a. The sale of a business;
 - b. Removal of a pending lien; and
 - c. A natural disaster that affects the licensee which shall include but not limited to:
 1. A flood; or
 2. Fire.
- (5) A licensee who is late with payment by three days or more in excess of three times in the prior 12 consecutive months shall lose credit privileges. A licensee wishing to re-establish credit may reapply after a period of 12 calendar months from the loss of credit privileges, subject to the rules and conditions of this chapter;
- (6) Cash or certified check, prior to delivery, shall be required from any licensee who has two or more checks returned within the prior twelve consecutive months due to insufficient funds, and this requirement shall last for twelve consecutive months;
- (7) All accounts which are 60 days in arrears shall be referred to the Attorney General's office for collection, unless a payment plan is in effect with the accounts receivable supervisor;
- (8) A report of violation shall be submitted to the commission by the commission's enforcement division for any alleged violation of Liq 904.01(a)(2) and (3); and

(9) Checks, drafts, or money orders returned for insufficient funds shall be subject to a fee pursuant to RSA 6:11-a unless the drawer provides the liquor commission with a written statement from the drawee that the negotiable instrument was returned due to an error on the part of the drawee. The drawer shall, in any event, be responsible for the payment of all protest and bank fees, in addition to the face value of the check.

(b) Any licensee who more than twice fails to pick up ordered merchandise on an agreed date shall be required to submit full payment at the time of any future order for a period of 12 consecutive months.

(c) Tele-communication orders awaiting payment will be deleted if payment is not received within fourteen days of order placement.

Source. #4720, eff 1-1-90; ss by #5043, eff 1-11-91; ss by #5180, eff 7-22-91; ss by #6391, eff 11-28-96

PART Liq 905 BANKRUPTCY

Liq 905.01 Licensee Bankruptcy. Any applicant for credit, who has in the past 7 years declared bankruptcy, either personally or as a principal of a corporation, shall be bound by the following provisions:

(a) If the licensee is other than a natural person, that entity shall post a bond or irrevocable letter of credit from a state or federally recognized financial institution in the amount of the credit requested;

(b) An individual licensee shall satisfy the credit requirements set forth in Liq 902.02(a);

(c) The provisions of Liq 902.02(b) shall not apply to any licensee who has declared bankruptcy, either as an individual or officer of a corporation, within the past 7 years; and

(d) Any licensee who declares bankruptcy shall forfeit all credit privileges and shall pay for product with cash or certified check while in bankruptcy. Upon emerging from bankruptcy said licensee may reapply for credit privileges subject to the provisions of this chapter.

Source. #4720, eff 1-1-90; ss by #5043, eff 1-11-91; ss by #6391, eff 11-28-96

PART Liq 906 DISPUTED CHARGES

Liq 906.01 Payment. Licensees shall pay their account in full within the 15 day limit, and bring any disputes with regard to billing to the attention of the commission. Late payments shall be subject to the penalties set forth in Liq 904.01.

Source. #4720, eff 1-1-90; ss by #5043, eff 1-11-91; ss by #6391, eff 11-28-96

Liq 906.02 Returning Merchandise. In the case of damaged merchandise or merchandise shipped in error, the licensee shall notify the commission's central office. The licensee shall then be given a computer generated approval number and instructed where to return the merchandise. A credit memo shall be issued to the licensee after the return of the merchandise.

Source. #4720, eff 1-1-90; ss by #5043, eff 1-11-91; ss by #6391, eff 11-28-96

Liq 906.03 Discontinued Business. If a licensed business discontinues operation while merchandise is in transit, the transportation agent shall return the merchandise to the warehouse of origin.

Source. #4720, eff 1-1-90; ss by #5043, eff 1-11-91; ss by #6391, eff 11-28-96

CHAPTER Liq 1000 RULES RELATING TO TOBACCO

PART Liq 1001 TOBACCO SAMPLING

Liq 1001.01 Proof of Age. No sampler, as defined in RSA 78:1, XIX, shall provide any tobacco products to any person without confirming that person's age under the provisions of RSA 126-K:3.

Source. #6668, eff 1-1-98

Liq 1001.02 Distribution. No samples of tobacco products shall be distributed in any manner other than directly from a sampler directly to a consumer of legal age.

Source. #6668, eff 1-1-98

PART Liq 1002 DELIVERY OF TOBACCO PRODUCTS

Liq 1002.01 License Required. No person shall distribute tobacco products by mail, delivery service, or other third party to any person who does not hold a tobacco license.

Source. #6668, eff 1-1-98

PART Liq 1003 PACKAGING

Liq 1003.01 Manufacturer's Packaging Required. Tobacco products shall be sold only in the original packaging as provided by the manufacturer and bearing all federally required warnings, except:

- (a) Cigars which are not available in retail packaging may be sold by the piece as is customary in the industry; and
- (b) Retailers, wholesalers, or subjobbers may repackage tobacco products for resale in packaging equivalent to the manufacturers original packaging bearing all required federal warnings.

Source. #6668, eff 1-1-98

PART Liq 1004 FEDERAL LAW AND RULE APPLICABILITY

Liq 1004.01 Federal Provisions. All NH tobacco licensees shall abide by all Federal laws, regulations, and rules governing the sale, packaging, distribution, and advertising of tobacco products.

Source. #6668, eff 1-1-98

CHAPTER Liq 1100 RULES RELATING TO DIRECT SHIPMENT

PART Liq 1101 CHAPTER DEFINITIONS

Liq 1101.01 Definition of Terms. The following terms shall be construed for the purposes of this chapter as set forth below:

- (a) "Addressee" means the person named on a direct delivery invoice, or any other person over 21 years of age legally entitled to receive a package for that individual;
- (b) "Common carrier" means the holder of a United States Department of Transportation or Interstate Commerce Commission license or a NH Common Carrier Certificate;
- (c) Direct shipper means a holder of a direct shipper permit issued by the NH state liquor commission;
- (d) "Direct shipper permit" means a permit issued by the NH state liquor commission to an individual, corporation, partnership, or limited liability company which holds a valid liquor license in another state, to ship beverages, wine, or liquor directly to NH consumers or licensees via common carrier; and
- (e) "Retail price" means the price paid to the direct shipper for beverage, wine, or liquor shipped by direct shippers to NH consumers or licensees. The term shall include all charges except the actual amount paid by the direct shipper to a common carrier for delivery.

Source. #6837, Interim, eff 9-1-98, EXPIRED: 12-30-98

New. #6924, eff 1-1-99

PART Liq 1102 OVERLYING CONDITIONS FOR PERMITS

Liq 1102.01 Completing Forms. Whenever a person is required to complete a form, as described in RSA 178 and this chapter, the following provisions shall apply:

- (a) Forms shall be filled out completely and truthfully;
- (b) Forms shall be completed in a legible manner;
- (c) Forms shall be completed in non-fading, non-erasable graphic such as ink or typewritten;
- (d) Forms shall be signed by the business owner, a partner, corporate officer, or member of a limited liability corporation; and
- (e) In the event an applicant fails to comply with an application rule or statute, such applicant's application shall not be processed and the application form and any submitted fee shall be returned to the applicant with the reasons for such rejection of the application. Notification shall be made in writing and within 10 working days of the date of rejection.

Source. #6837, Interim, eff 9-1-98, EXPIRED: 12-30-98

New. #6924, eff 1-1-99

Liq 1102.02 Incomplete Forms Rejected. In the event a person submits an incomplete form, such form shall not be processed. The application form and any submitted fee shall be returned to the applicant with the reason for return noted.

Source. #6837, Interim, eff 9-1-98, EXPIRED: 12-30-98

New. #6924, eff 1-1-99

Liq 1102.03 Fees, Form of Payment.

(a) Payment shall be made in the form of United States currency, a check, money order, other negotiable instrument payable upon demand, or electronic or credit/debit payment as approved by the commission for the total amount due for the permit for each permit applied for. Cash, money orders, or certified check shall be required when an applicant has issued payment to the division by check, and such check was returned for insufficient funds, in order to insure payment on a fee. Penalties shall be consistent with the requirements of RSA 6:11-a, I.

(b) Such instrument described in paragraph (a) above shall be made payable to the "State of New Hampshire-Liquor Commission". A suitable alternative term, including but not limited to "State of NH", "State Liquor Commission", or "Liquor Commission", shall not be cause for refusal to accept such instrument, providing it does not lend itself to endorsement of the instrument by any other party other than the state of New Hampshire, nor for any private individual or purpose.

(c) Any payment made to the commission by check which is returned for insufficient funds which has not been made good, including any penalty assessment required by RSA 6:11-a by cash, money order or certified check within 24 hours, excluding weekends and holidays, of notification of the licensee or one of their employees, shall result in proceedings for suspension or revocation of the permit not paid for.

(d) No part of the fees paid for a permit shall be refunded after the permit has been issued.

Source. #6837, Interim, eff 9-1-98, EXPIRED: 12-30-98

New. #6924, eff 1-1-99

Liq 1102.04 Applicant Information Required.

(a) A photocopy of the applicant's home state license to sell alcoholic beverages shall be attached to the permit application.

(b) A copy of the applicant's registration with the NH secretary of state to do business in NH shall be attached to the permit application.

(c) The applicant shall provide on a form supplied by the commission:

- (1) Business legal name and trade name under which the business shall operate in NH;
- (2) Whether the business is a single proprietorship, partnership, corporation, or limited liability company;
- (3) Business phone number;
- (4) Business mailing address, and physical address if different from the mailing address;
- (5) The names and addresses of the business owners if a single proprietorship or partnership, or the names and addresses of the corporate officers or members in the case of a corporation or limited liability corporation; and
- (6) A statement certifying that the business shall operate under NH statutes including Title 13 and the rules of the NH liquor commission.

Source. #6837, Interim, eff 9-1-98, EXPIRED: 12-30-98

New. #6924, eff 1-1-99

Liq 1102.05 Permit Renewals. The NH liquor commission shall send by US mail permit renewals to all permittees at least 60 days prior to the expiration of their permit. Renewal of permits shall be the responsibility of the permittee. Failure of the commission to notify the permittee shall not extend the existing permit or excuse shipment into NH without a permit.

Source. #6837, Interim, eff 9-1-98, EXPIRED: 12-30-98

New. #6924, eff 1-1-99

PART Liq 1103 TAX REPORTING AND FILING DEADLINES

Liq 1103.01 Taxes Due. Each direct delivery shipper permittee shall file at the NH liquor commission offices no later than the tenth calendar day of the month:

- (a) A completed direct shipper monthly tax report;
- (b) Copies of all invoices delivered to NH; and
- (c) Required tax payments covering all deliveries into NH for the preceding month.

Source. #6837, Interim, eff 9-1-98, EXPIRED: 12-30-98

New. #6924, eff 1-1-99

Liq 1103.02 Direct Shipper Monthly Tax Report.

(a) The NH liquor commission shall provide to each direct delivery permittee at or prior to initial permit issuance a Direct Shipper Monthly Tax Report form.

(b) The permittee shall include the following information on the Direct Shipper Monthly Tax Form:

- (1) The direct shipper name;
- (2) The direct shipper address;
- (3) The direct shipper permit number;
- (4) The tax month covered by the form;
- (5) The number of invoices shipped into NH during the tax month;
- (6) The dollar total of the above invoices, including shipping, and with shipping subtracted;
- (7) The total tax owed; and
- (8) A signature, with the notation that the signature is made attesting to the accuracy of the tax report under the provisions of RSA 641:3.

Source. #6837, Interim, eff 9-1-98, EXPIRED: 12-30-98

New. #6924, eff 1-1-99

PART Liq 1104 COMMON CARRIER REQUIREMENTS

Liq 1104.01 Record Keeping Requirements. Common carriers delivering alcohol from direct delivery permittees shall maintain copies of direct delivery shipment signature forms for a period of not less than 6 months from the date of delivery, and make such forms available upon request to NH liquor commission auditors or investigators.

Source. #6837, Interim, eff 9-1-98, EXPIRED: 12-30-98

New. #6924, eff 1-1-99

Liq 1104.02 Delivery Requirements. Common carriers delivering alcohol from direct delivery permittees shall:

- (a) Require the addressee's signature on a direct delivery shipment signature form meeting commission requirements;
or
- (b) Refuse delivery when:
 - (1) The addressee refuses to personally accept and sign for the alcohol; or
 - (2) The addressee appears to be:

- a. Under age 21;
- b. Legally intoxicated;
- c. Under the influence of drugs; or
- d. Meet any criteria of Title 13 which would make such delivery of alcohol illegal by a NH licensee.

Source. #6837, Interim, eff 9-1-98, EXPIRED: 12-30-98

New. #6924, eff 1-1-99

Liq 1104.03 Warehouse Requirements for Direct Delivery Shipments.

(a) A warehouse license shall not be required for direct shipped alcohol, provided:

- (1) Alcohol is not stored any longer than required for transfer from a delivery vehicle to the next scheduled local delivery vehicle; or
- (2) When an addressee is not available to sign for the initial delivery attempt, a common carrier may hold the product for delivery not more than 7 calendar days without NH Liquor Commission approval.

(b) Alcohol which is refused or undeliverable shall, within 7 calendar days of receipt in NH:

- (1) Be returned to the direct delivery shipper, or
- (2) The commission shall be notified and the alcohol held for commission pick up and disposal.

Source. #6837, Interim, eff 9-1-98, EXPIRED: 12-30-98

New. #6924, eff 1-1-99

Liq 1104.04 Commission Notification. The NH liquor commission shall provide common carriers with lists of direct shipper permittees upon request.

Source. #6837, Interim, eff 9-1-98, EXPIRED: 12-30-98

New. #6924, eff 1-1-99

Liq 1104.05 Illegal Products. Unlicensed common carriers shall only deliver alcohol in NH which has been shipped by holders of NH direct shipper permits. Any other deliveries are violations of RSA 178:1 I, and shall be prosecuted as such by the NH liquor commission.

Source. #6837, Interim, eff 9-1-98, EXPIRED: 12-30-98

New. #6924, eff 1-1-99

Liq 1104.06 Illegal Delivery. The NH liquor commission through its investigators shall prosecute both the individual and the company involved in any delivery violating the provisions of RSA 179:1 or RSA 179:5, I.

Source. #6837, Interim, eff 9-1-98, EXPIRED: 12-30-98

New. #6924, eff 1-1-99

Liq 1104.07 Examination of Premises. Auditors or investigators of the NH Liquor Commission shall:

(a) Request permission from common carriers for periodic examinations of their premises and warehouses, or as necessary to verify compliance; and

(b) Request and enforce administrative search warrants should reasonable access be denied.

Source. #6924, eff 1-1-99

PART Liq 1105 DELIVERY RECEIPTS / IDENTIFICATION REQUIREMENTS

Liq 1105.01 Delivery Signature Forms. Each shipment of alcohol into NH from a direct shipper permittee shall:

- (a) Be clearly marked as “Alcoholic Beverage, NH Permit # _____”; and
- (b) Have attached a delivery signature form which shall contain:
 - (1) The addressee’s name and address;
 - (2) A statement reading “ I, _____ (Print Name), acknowledge that I (am)(am legally entitled to receive packages for) the addressee shown above, that I accept delivery of a shipment of alcoholic beverages and I am 21 years of age or over; and
 - (3) A line for his/her signature.

Source. #6837, Interim, eff 9-1-98, EXPIRED: 12-30-98

New. #6924, eff 1-1-99

Liq 1105.02 Form Retention. The common carrier making delivery of packages of alcoholic beverages from direct shipper permittees shall forward copies of delivery signature forms to the commission monthly so as to arrive by the 10'th of the following month and retain the original signed copy of the delivery signature form for at least 6 months from the date of delivery.

Source. #6837, Interim, eff 9-1-98, EXPIRED: 12-30-98

New. #6924, eff 1-1-99

APPENDIX

RULE	STATUTE IMPLEMENTED
Liq 603.08	RSA 178:2-a
Liq 701	RSA 178
Liq 702	RSA 178:2; 178:3
Liq 703	RSA 178:29
Liq 704	RSA 178:3; 178:16
Liq 705	RSA 178:3, II
Liq 706	RSA 178:6-25
Liq 707	RSA 178:6 - 178:22
Liq 800	RSA 176:14 (Repeal, RSA 178:5 eliminated)